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From murderers and rebels, to thieves and smugglers, law breakers have existed in every form of human society. What has changed through history, however, is how criminals are caught, tried, and punished. In this special edition, we look at how crime and justice have evolved in Britain since the medieval period - from crimes of passion to coldblooded murder.

We take a closer look at 19th-century executions – grisly public events that attracted huge crowds of spectators. And we meet criminals such as Jack the Ripper, an individual whose identity is still heavily debated but whose bloody crimes terrorised Victorian London. Plus, we explore the harsh and very public punishments of the medieval era, as well as what it meant to be declared an outlaw.

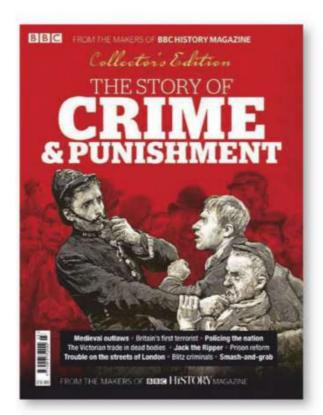
A 300-year-old miscarriage of justice, which saw a Scottish sailor hanged for a crime he didn't commit, will be under the spotlight in this special edition, as well as the 19th-century trade in dead bodies which, whilst illegal, ultimately contributed to developments in modern medicine.

We'll also be taking a closer look at Tudor smuggling, famous court cases and how the Second World War created new opportunities for lawlessness. Plus, we'll explore the birth of the modern police force.

The Story of Crime and Punishment compiles and updates articles that have appeared previously in BBC History Magazine, along with several new articles written specially for this edition. I hope you enjoy it.

### **Charlotte Hodgman**

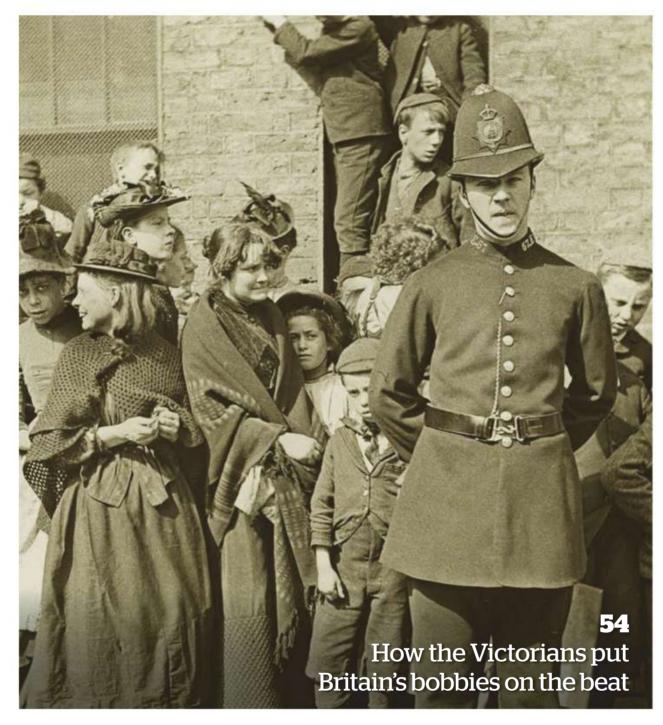
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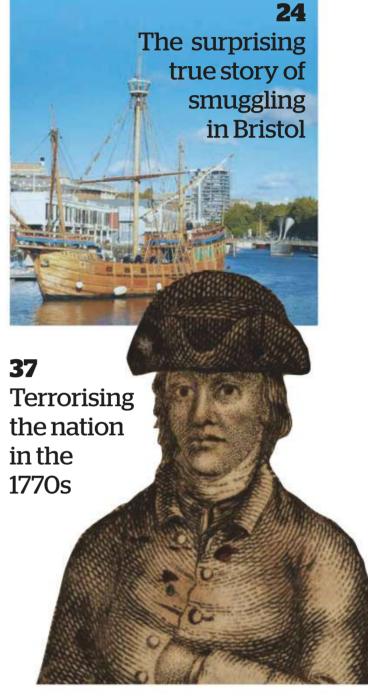


"Our taste for the macabre is not so much an innate quality of human iniquity as one determined by changing circumstances"

PROFESSOR CLIVE BLOOM
discusses our fascination for murder
and crime novels on page 114

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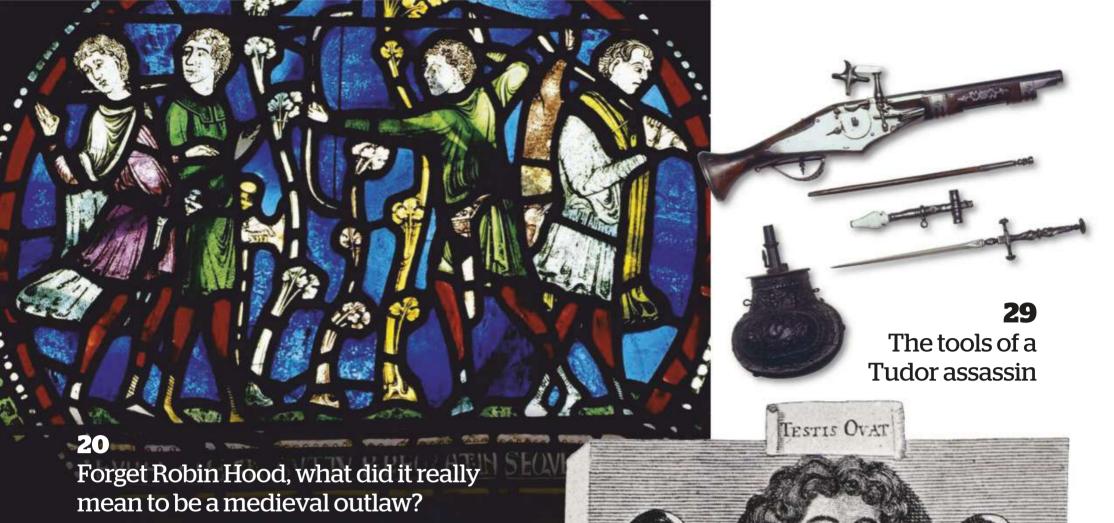
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Clive Bloom muses on our fascination with murder

### Justice through the ages

As society and its values changed, so too did Britain's criminal justice system. Alyson Brown charts important milestones in crime and punishment over the centuries

### 1166

### **Improvements made** to criminal law

Henry II re-establishes the system by which royal justices perambulate the country hearing royal pleas and ensuring royal justice is administered. The Assize of Clarendon establishes that sheriffs and county justices have to investigate murders, robberies and thefts. District and village representatives sit on local juries to identify suspects and testify that crimes have occurred.



Trial by ordeal: ducking was a no win situation for a suspected witch; if she sank she was innocent, if she floated she was guilty

1215

### Trial by jury emerges

The church withdraws from involvement in trial by ordeal, which essentially ceases in England. Trial by jury emerges more strongly, with local men who were likely to know the circumstances of the crime deciding on the veracity of a case.



Hogarth's A Harlot's Progress shows a scene in Bridewell, London's first house of correction

### 1601

### **New poor laws** introduced

The Poor Law Relief Act is passed. Each parish is now obliged to help the aged and helpless, and provide work for those capable of it. **Houses of correction** are built for idle beggars and vagrants.

These are also used for offences such as prostitution and petty theft.



### **1361**

### Justices of the Peace created

An act establishes justices of the peace. They are country gentlemen entrusted with the enforcement of the king's peace in their counties. The magistracy becomes a central element of the administration of criminal justice in the counties.

### **1533**

### **Buggery Act passed**

Traditionally sexual behaviour had been regulated by the church, but a result of the Reformation is the gradual rise of secular jurisdiction. This act deals not only with sex between men but also between men and women and a person with an animal, although convictions for sodomy between men are the most common.

### **1624**

1600

### **Act to prevent** child murder

If a baby's death is concealed and the mother gave birth alone she is now presumed guilty of murder (infanticide) unless she can prove it was stillborn. Unlike other murder cases, the burden of proof is on the mother. This applies only to unmarried women.



Cain slaying Abel in a marble relief from the 12th-century, when coroners started to investigate unnatural deaths

### Coroners are established

The Articles of Eyre act establish coroners in England. With a jury, they inquire into sudden or unnatural deaths but could be called upon, by Royal Warrant, to become involved in broader legal practices.

A woman gives birth in this 17th-century image. A parliamentary act of 1624 sought to prevent the murders of illegitimate children



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Criminal Jack Sheppard was much admired for his defiant gaol breaks



### 1688

### The death penalty is extended

The number of **crimes punishable by death increases from 50 in 1688 to more than 200** in the early 1800s. At a high point, 1826-30, there are 6,679 capital convictions in England and Wales, although only 307 (five per cent) of those are actually carried out.

### 1723

### Death sentence extended to more crimes

Introduced in a period of economic depression, the act deals with **poaching**, **arson**, **animal maiming** and other offences. The act introduces the death penalty for more than 50 criminal offences, including being found in a forest in any form of disguise or with a blackened face.

### 1724

### **Anti-hero hanged**

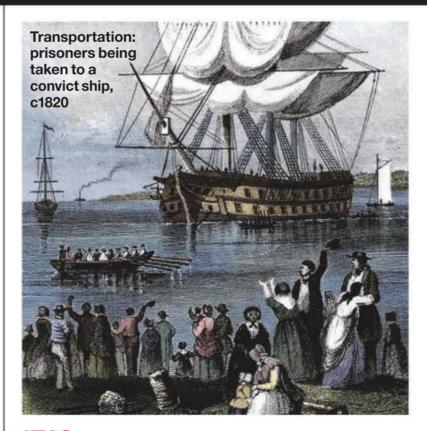
Jack Sheppard is hanged. This notorious thief is executed before a huge crowd at Tyburn, London. He had escaped from gaol four times, becoming an anti-hero for the poor, and was very popular. His defiant image has survived and he has become a criminal legend.

### **1700**

### 1698

### Speech is censored

The Blasphemy Act provides a means of censuring and controlling speech crimes, especially associated with sedition. Linking the power of state and church, it is now an offence to deny the Christian religion or divine authority. An attack on the church is deemed an attack upon the common peace and the law.



### 1718

### A new act encourages transportation

An act gives a new, more organised impetus to transporting convicted felons to colonies in North America. From now on, transportation becomes a regular practice. This penalty is **for those pardoned from a death sentence and some non-capital felons.** Transportation is for 7 or 14 years, or another determined period, including life.

### **1750**

### Rise in public prosecutions

**1752** 

An act this year is the first example of public money being made available to cover the costs of prosecuting offenders. Further legislation follows, including the Bennett Act of 1818. In the 19th century, **power** to prosecute shifts from the victim, or their family, to the public in the form of the police and public prosecutors.

### **Timeline**

### 1777

### Report on prison conditions published

A prominent early prison reformer, John Howard, high sheriff of Bedfordshire, demonstrates concerns about the dire state of prisons by visiting them around the country and campaigning about his findings. He influences political and public opinion and publishes his findings in The State of the Prisons in England and Wales (1777).



A statue of John Howard who campaigned for prison reform in the 18th century



A disabled soldier begs, unsuccessfully, from a parson in a 1773 satire. The law had no sympathy for the homeless poor

### 1824

### A crackdown on beggars and vagrants

The Vagrancy Act deals with increasing numbers of beggars and homeless poor in an economic downturn following the end of the Napoleonic War. It extends the scope of criminal justice over beggars, tramps, unruly prostitutes, unlicensed pedlars and many others.

### 1835

### Creation of prison inspectorate

An act is introduced

'for effecting greater uniformity in the government of the several prisons in England and Wales'. It establishes a **prison** inspectorate that visits prisons annually and produces reports that are published in parliamentary papers. The inspectors are a driver towards greater centralisation, reform and uniformity.



### 1847-48

### **Court efficiency increases**

Juvenile Offenders Act 1847 and Summary Jurisdiction Act 1848 are important in a series of enactments to make courts more efficient as prosecutions increase. This trend to extend summary jurisdiction enlarges the legal responsibilities of magistrates giving their courts, or petty sessions, powers to hear a wider range of offences without having a jury.

### 1800

### 1803

### Infanticide laws are revised

Lord Ellenborough's Act makes infanticide trials subject to the same rules of evidence as in all murder cases. In order to offset juries' reluctance to convict for infanticide as it was a capital offence, an alternative offence of concealment of birth is introduced, with a maximum of two years' imprisonment.

### 1820s-40s

### Death penalty is limited

Withdrawal from the legal system known as the Bloody Code is achieved through legislation including the Abolition of Punishment of Death Act 1832. By the late 1840s only murder and crimes against the state, such as treason, mean the death penalty. The change is partly due to criticism of hanging as draconian and is enabled by the development of alternative penalties, especially prison.

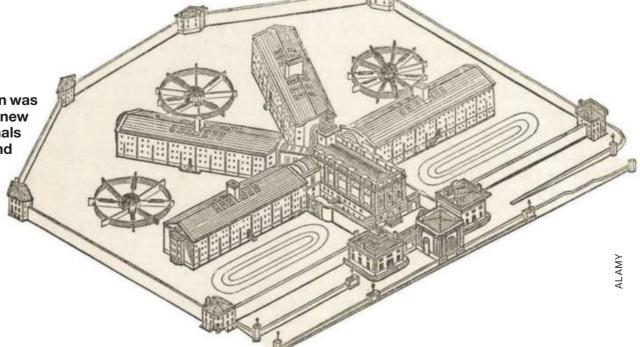
### 1850

### Prisons that aim to reform inmates are introduced

1842

Pentonville Prison, designed on a radial plan, becomes the symbol and model of the penitential idea – a prison that was held to be able to reform as well as incarcerate and punish offenders.

Pentonville Prison was a symbol of the new philosophy that criminals could be reformed and not just punished





A 19th-century court case heard before a magistrate. Increased efficiency enabled them to hear a wider range of cases

### • 1877

### Prisons are nationalised

An act brings local prisons under central control, in addition to convict prisons for more serious offenders, already in central government hands. It marks a key point in prison history when the state becomes directly responsible for the prison.



An execution held in public at **Newgate Prison before the** practice was ended in favour of hangings behind prison walls

### 1868

### **End of public executions**

The Capital Punishment (Amendment) Act ends public executions. All hangings are to be conducted behind prison walls, although the presence of journalists as public witnesses is permitted. The last public hanging is of an Irish nationalist (Fenian) Michael Barrett, in May 1868.

### 1868

### **Transportation** finally ceases

Transportation to Australia and other colonies such as Gibraltar and Bermuda ends in 1868 (transportation to Australia began in 1787 after it ceased to North America in 1776). The practice declined from the 1840s due to growing numbers of free settlers and controversy over transportation as a punishment.

### 1869-95

### **Drive to regulate UK prisons**

Prison administrator **Edmund Du Cane presides** over the drive to centralise and increase regulation and uniformity as well as deterrence in the country's prisons. He is accused of turning the prison system into 'a huge punishing machine'.

### 1885

### **Age of consent** is raised to 16

Social concern about curbing and controlling prostitution and the 'white slave trade' underpins this act. This legislation raises the age of consent to 16 from 13 years of age but also extends criminalisation of homosexual activity. Playwright, Oscar Wilde is convicted under this legislation in 1895.





### **Timeline**



Ripper coverage in the late 19th century popularised the sensationalist reporting of violent crime in British newspapers

### 1914

### Act passed to limit prison committals

This legislation allows those who are fined, as a sentence of the court, some time to pay the fine – rather than being sent directly to prison as a fine defaulter.

Between 1910 and 1921, the numbers imprisoned annually for non-payment of fines drops from 85,000 to 15,000.

### 1922

### Major report criticises prisons

English Prisons Today, a major, in-depth report on the prison system, is published. It claims little has been done to improve conditions since the 19th century. Evidence is largely derived from suffragettes and conscientious objectors imprisoned during, and before, the First World War.

### <u> 1900</u>

### **1895**Shift in penal policy

develop into tabloid journalism.

a new kind of populist journalism, later to

The Gladstone Committee is established in response to criticism of harsh and deterrent prison conditions under the leadership of Edmund Du Cane. It signals a shift in penal policy towards reformative measures such as greater individual treatment and productive labour.



Corton Vale, a Scottish borstal, in 1956. Borstals were designed to prevent delinquents from ending up in adult prisons and turning into hardened criminals

### 1920

**1919** 

### Women are allowed a role in the justice system

After the Representation of the People Act of 1918 gives some women the vote, the Sex Disqualification (Removal) Act enables women to become magistrates and solicitors. The first female magistrate is Ada Summers (below). Women can now take prominent roles in the operation of justice.

### 1908

### Children are diverted from adult prisons

Often referred to as the Children's Charter, the Children and Young Persons Act is a major revision of existing legislation and introduces **new measures including juvenile courts** and the diversion of children from adult prisons **into the new borstals**.



ALAMY/REPRODUCED COURTESY OF TAMESIDE LOCAL STUDIES AND ARCHIVES/SHUTTERSTOCK



Navy use of this cat o'nine tails was

abolished across

**Great Britain** 

in 1948

officially suspended in

1879. Judicial corporal punishment was Prison officer (left) with a suffragette inmate in 1910. Suffragettes were among those whose experiences provided evidence for a major prison report in 1922

### 1965

### Capital punishment ends

The Murder (Abolition of Death Penalty) Act effectively ends capital punishment in Britain, subject to review after five years. In 1969 it becomes permanent.

### 2003

### Sexual offences laws updated

This act introduces a new legal definition of consent and provides, for the first time, a coherent legal definition for rape.

The act also introduces new definitions of sexual assault. **III** 

> Alyson Brown is a professor of history at Edge Hill University

.....

1960

1953

### Miscarriage of justice helps end death sentence

An English serial killer of the 1940-50s, John Christie murders at least eight people at 10 Rillington Place, London. He is hanged in 1953 but controversy follows, for in 1950 Timothy Evans had been executed for the murder of his wife and child, murders actually committed by Christie. This injustice contributes to the 1965 suspension of capital punishment.

> **Gay Pride march** through London in 1976, when sexual activity between adult men was still a criminal act in parts of the UK



### **Sexual Offences Act** passed in England and Wales

1967

This finally decriminalises sexual activity in private between consenting male adults aged 21 years of age or over. Decriminalisation is enacted in Scotland in 1980 and in Northern Ireland in 1982.



1948

### **Criminal justice system** is modernised

This act implements changes discussed in the 1930s but stalled by war. It aims to deflect young people from prison through borstals, remand centres and detention centres and deal with persistent offenders through longer sentences of preventive detention. Flogging as a penalty of the court is abolished, as are the terms penal servitude and hard labour.

### IMEDIE VAL JUSTICE

In the Middle Ages, law was deeply embedded in local communities, says **Hannah Skoda**. Punishments were harsh, public and guaranteed to strip the criminal of their reputation and dignity





n 1417, a case came before a royal commission concerning a figure who called himself Friar Tuk and "other evildoers and breakers of the peace".

These men had apparently broken into parks and hunting grounds in Suffolk and Surrey and engaged in intensive poaching, arson and violent threats towards gamekeepers.

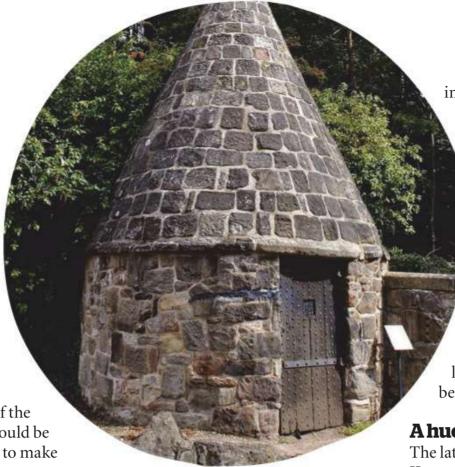
This is not a story proving the veracity of the Robin Hood legends; the case postdates the first recorded versions by over a century. But it does indicate the popularity of the stories and the ways in which they could be used as a kind of common currency to make points about law, order and punishment. The man behind this Friar Tuk was Robert Stafford, chaplain of Lindfield in Suffolk. He was pardoned for his crimes in 1429.

He knew, I would suggest, exactly what he was doing. In choosing to reference the Robin Hood stories, he deliberately drew attention to himself and made his crime into something more than just a common story of poaching. Like Robin Hood and his merry men, he humorously made himself and his comrades into representatives of the struggle against perceived injustice – in this case, in the form of the greedy amassing of game by the landholding classes.

This account draws attention to some important aspects of medieval crime and punishment. First, Stafford was pardoned. These were horrifically violent times, and punishments were brutal. But in many cases, the accused were eventually acquitted or pardoned. Convictions were comparatively rare. So images of medieval streets with gallows on every corner and heads on pikes are highly misleading.

Second, the royal commission only became involved once the case was brought to their attention. Local communities, however, had to be involved in the prosecution of crime because there was not yet any permanent police force. While the crown's role in prosecuting violence grew over the course of the period, this was a complex process, and medieval law was deeply embedded in local communities. So much so that communities were likely to make up their own minds about right and wrong, rather than just accepting a state-imposed version of law.

In the case of 1429, the criminals themselves were trying to impose a kind



Prior to their trial, suspects might be held in a lock-up like this one in Breedon on the Hill, Leicestershire

### Convictions were comparatively rare. So images of medieval streets with gallows on every corner and heads on pikes are highly misleading

of moral code, as they threatened the gamekeepers with punishment. Law was never the uncontested diktat of the state. And perhaps most importantly, the violent but playful nature of the case reminds us that medieval crime and punishment were often a spectacle verging on the theatrical.

In the early medieval period, crime and punishment were effective ways for a ruler to assert power, both symbolic and real. Alfred the Great (ruled 871–899) was famously a pivotal figure in this respect. Interestingly, in these early law codes mostly drawing on Germanic models, theft tended to be punished far more severely than homicide.

This tells us something important about what the purpose of law was deemed to be. It was not that homicide did not matter – it was rather that the purpose of law was to promote reconciliation between the

individuals and families involved.

Nonetheless, royal law – what would become the common law of the kingdom – did increasingly attempt to curb physical violence. It has been argued that the logic of this lay in the notion of hospitality: rulers were like hosts, and had a duty to protect those who were like their guests. It used to be thought that the 12th century saw a sea change in this regard, but it is now well understood that the reach of royal law was extending dramatically even before this.

### A hue and cry

The late 12th century, in the reign of Henry II, saw the instigation of what were known as 'eyres' – travelling courts that could hear any kind of case in the localities on behalf of the king. Eyres flourished particularly in the 13th century, and were superseded in the 14th century by 'commissions of over and terminer' and trailbaston commissions (a special type of itinerant judicial commission). The *oyer* and *terminer* are medieval French for 'listen' and 'determine', for French was the language of the law. The crown was ever more involved in dealing with crime, and the centralised 'king's bench' at Westminster took over the prosecution of increasing numbers of cases.

However, this is no straightforward story of growing crown control. Communities remained highly invested in the process of law, and indeed royal courts needed them to report crime and catch the perpetrators in the first place. The 'hue and cry' was a crucial way to capture criminals. The process of outlawing perpetrators of crime was essentially a process of turning that person over to the ill-will of the community by removing from them the protection of the law: it was a punishment that only made sense with the support of the community.

Cases also, of course, depended upon jurors: their role in the Middle Ages was a factfinding one and they were to bring an indictment against the accused. This meant the community was thoroughly involved not only in prosecuting a case, but even in classifying it. For example, there was not a separate category of manslaughter, but most often the records allow glimpses of jurors carefully distinguishing between different kinds of homicides and de facto assuming a category of manslaughter.

It has been demonstrated that the law







### Punishment in the Middle Ages was a highly symbolic piece of theatre, designed to be viewed and read by the watching crowd

continued, in any case, to co-exist alongside a range of other mechanisms for resolving (or perpetuating) disputes. Violent feuds, well known in the early medieval period, continued well into the late medieval period alongside legal mechanisms. Conversely, many people used the legal process as though it was simply a continuation of their interpersonal feuds. Bringing a case to the attention of justice was, in a sense, the ultimate act of spite against one's enemy just as much as an acknowledgement of the importance of the peace of the realm.

### Symbolic punishment

Nowadays, it is widely agreed that the purpose of punishment is threefold: deterrent, the protection of society and, rather more problematically, something akin to an idea of vengeance, or at least a sense of the re-balancing of the scales of justice. The nature of punishment in the Middle Ages suggests that something else was at stake in this period.

Prison was rarely used punitively: jails were a place to keep those awaiting trial (though, given prison conditions, this amounted to severe punishment itself in many cases). Treason was punishable by hanging, drawing and quartering; women were burned, and this was also the punishment for heresy from the early 15th century. Felonies (like murder or rape) were punishable by hanging. On a local level, minor transgressions were often dealt with by means of a fine, or by using the stocks.

All these punishments were highly symbolic. They drew the community into the punishment by ensuring that the criminal was stripped of reputation and dignity – quite literally in the case of the stocks. Punishment in the Middle Ages was about spectacle: it was a highly symbolic piece of theatre, designed to be viewed and read by the watching crowd. This was no piece of ghoulish entertainment as it is often portrayed in imaginative reconstructions – rather it was about statements of power

### **Medieval crime**



GETTY IMAGES

and of humiliation, and a way to enact a particular vision of society.

Spectacular as punishment could be, though, it was very often avoided. Many of the accused were not convicted at all. Others made use of the medieval practice of sanctuary, whereby, from the 12th century, criminals could shelter in a church for up to 40 days, before seeking to swear an oath to leave the country forever.

Perhaps most dramatic were the general pardons which punctuated the later Middle Ages. For example, Edward III issued a general pardon to celebrate his 50th birthday in 1362. Certain particularly heinous crimes were excluded, but otherwise the idea was to pardon all convicted criminals and present them with another chance.

Such pardons became increasingly popular among kings who recognised that exercising mercy was an even more attention-grabbing display of power than punishment: after all, anyone can carry out violent retribution, but, from a certain perspective, only someone with very special power has the authority to wipe the slate clean. The growth of royal involvement in prosecuting and punishing crime, while always interwoven with the efforts of communities, also met with very significant challenges and hostility in many quarters.

### Challenging the law

A particularly gruesome case took place in Devon in 1455. Shaped by factionalism on a much broader canvas (which would escalate into the Wars of the Roses), it was led by powerful men who were angry at the perceived intrusion of royal law into their lives. Nicholas Radford was a justice of the peace for Henry VI. His godson's brother, Thomas Courtenay, conceived a mortal hatred for him. One night, Courtenay rode to the gates of Radford's house and demanded an audience. When Radford appeared, Courtenay cruelly murdered him.

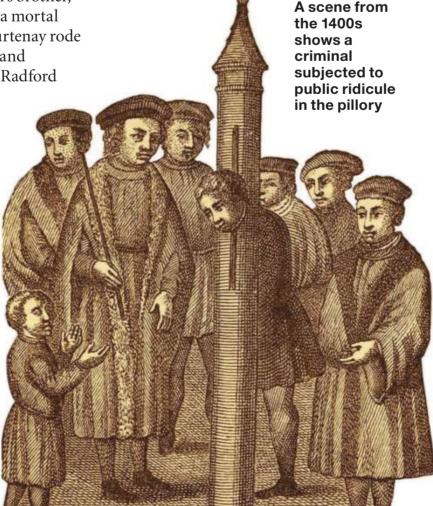
The story did not end there. Thomas's brother, Henry, Radford's godson, got hold of the corpse and subjected it to a mock trial. The episode was cruel and grotesque in the extreme. This was about private vendetta, but it was also about the perceived expansion of royal justice, represented in this case by Nicholas Radford.

They "took upon them the office of coroner without authority, and

## They were earls of Devon, from a powerful family, and they resented the tentacles of the law stretching into what they deemed to be their own private affairs

made one of them sit down, and called before him an inquest of the persons who murdered the said Nicholas Radford, by such strange names as no man might know them by, nor never men heard tell of such dwelling in that country. These misdoers, scornfully appearing by such names as they were called, made such a presentment as pleased them, and such as is reported that they should indict the said Nicholas Radford of his own death, in great contempt and derision of your laws" (translation taken from, *Crime, Law and Society in the Later Middle Ages*, Musson with Powell).

Henry Courtenay and his men then threw the naked body into a pit and hurled stones on top. The whole cruel parody was designed to claim Radford had committed suicide, although that was quite clearly not the case. Suicide was deemed a mortal sin the Middle Ages, so this was an appalling accusation,



quite apart from the cruelty of the episode.

Alongside its brutality, we might wonder at the theatricality of the affair. Clearly it was carefully premeditated. It swiftly attracted notoriety and provoked widespread horror. The murder was bound up in factional struggles between the Courtenay and Bonville families with which Radford was associated, but more was at stake in the mock trial to which the corpse was subjected.

The Courtenays were quite deliberately challenging the reach of the law, by targeting one of its representatives. Indeed, in accusing the corpse of suicide, they implied that Radford had somehow brought his fate upon himself. They were earls of Devon, from a powerful and violent family, and they resented the tentacles of the law stretching into what they deemed to be their own private affairs. In order to make their point, they mimicked the rituals of law and punishment, making the whole into a brutal game of which they were the players – and the king certainly was not.

### Out of sight, out of mind

Today, punishment of offenders is most often delivered out of our sight. We rely upon the state to punish those who break the law, and we usually trust that the law represents the best interests of the community at large. We tend, or pretend, not to see or even to know where prisons are located, perhaps because the idea of punishment makes us feel slightly uncomfortable and we are just relieved that the deterrents are being served and society is being protected.

This is very different from the picture in the Middle Ages. Punishment then was highly public – even prisons were located visibly, and often in the centre of towns. And punishment depended upon it being public, otherwise it did not really fulfil its function. Puntive measures were highly symbolic: they affirmed power, they reinforced a very visual message of exclusion, they humiliated the perpetrator and they also destroyed his or her reputation.

Punishments worked because communities not only saw them, but were involved. They reported perpetrators, were often responsible for catching them, applied their understandings of law and right and wrong as jurors, and punished the guilty by participating in their humiliation.

**Hannah Skoda** is fellow in medieval history, St John's College, University of Oxford

### DISCOVER MORE

### воок

► Medieval Law in Context by Anthony Musson (Manchester University Press, 2001)

# THE REAL ROBINHOODS



### HE TRUSTEES OF THE BRITISH MUSEUM

### The legend of Robin Hood may have been inspired by real life outlaws. **Hugh Doherty** looks at the judicial process of outlawry in medieval England and at what it meant to be declared beyond the protection of the law

n January 1213 Robert fitz Walter, Lord of Dunmow in Essex and Baynard's Castle in London, was outlawed in the shire court of Essex. So, too, were nine of his men and accomplices, including a canon of St Paul's Cathedral, Gervase of Howbridge.

We know this because an inquest into the outlawry was ordered by King John in the summer of 1213 and the return was copied on to the close roll (a record of the king's correspondence). The return recites the king's writ ordering the shire court to summon Robert fitz Walter to answer charges of plotting the king's death and betrayal. It also names the knights who delivered the judgement of outlawry and the names of those great men present in the court – the Earl of Essex, two other earls, and three of the king's leading officials – when judgement was delivered.

The precise context for these charges was a plot by Robert fitz Walter and other great men to betray and possibly kill King John during his planned Welsh campaign in August 1212. Robert's one known accomplice, Eustace de Vescy, Lord of Alnwick, was likewise outlawed, together with one of his clerks, John of Ferriby, presumably in the shire courts of Yorkshire and Northumberland where his estates were situated. Both Robert fitz Walter and Eustace de Vescy, with their followers and households, fled the realm – Robert to France and Eustace to Scotland. And so these two great men and their followers were made into outlaws.

The medieval outlaw is a familiar figure in the modern imagination. This owes much, of course, to the continuing popularity of the legend of Robin Hood. We tend to imagine Robin and outlaws in general as fugitives because they defied the king's officials and operated outside the law in the great forests of the kingdom. What we forget

The king's government used outlawry to enforce the exile of individuals found guilty of robbery, theft, or murder



The seal matrix of Robert fitz Walter, who was outlawed in 1213, charged with plotting King John's death

is that there was an established process behind the creation of outlaws. On the whole, men did not choose to become outlaws: they were made outlaws.

The established tellings of the Robin Hood legend from the 16th century to the present, in ballads, novels, and films, have dated his adventures to 1193-94, when King Richard I was a captive in Germany and his youngest brother, the future King John, was plotting rebellion. While the choice of setting has no historical basis, it is nevertheless correct that the process of outlawry, the means by which men were made into outlaws, was a tool energetically and sometimes ruthlessly deployed by the Angevin kings of the English – Henry II (1154-89), Richard I (1189-99) and John (1199-1216).

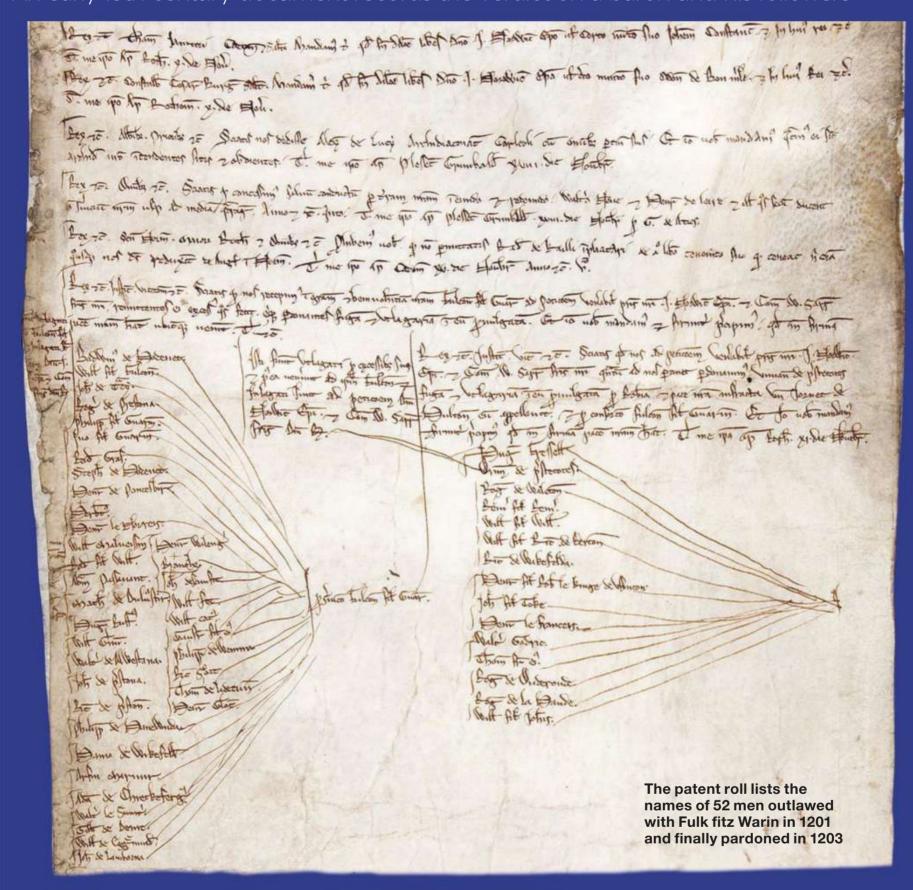
By the time Henry of Anjou had succeeded as king of the English in 1154, the business of making outlaws had occupied the shire courts of his kingdom since at least the days of King Æthelred II. In the 1160s and 1170s, Henry II and his leading men engaged in important, if highly experimental, campaigns of legislative reform.

The best witnesses to this reform are the texts known as the Assizes of Clarendon (1166) and Northampton (1176), memoranda drafted for the use of the king's officials and perhaps even intended for publication in the shire courts. In both assizes the king's government used the process of outlawry to enforce the exile of individuals found guilty or suspected of robbery, theft, or murder. Such individuals were now compelled to leave the kingdom in either eight days (Assize of Clarendon) or 40 days (Assize of Northampton). If they returned, they were to be taken as outlaws. This meant, in effect, immediate execution.

The assizes deployed the full bureaucratic power of Angevin government. The Assize of Northampton, for instance, required the justices to report the names of those who had

### The outlawry of Fulk fitz Warin

An early 13th-century document records the verdict on a baron and his followers



Fulk fitz Warin, a Shropshire baron, was outlawed by King John prior to April 1201 and he was finally pardoned in November 1203.

The cause of his outlawry was very likely prompted by his failure to secure the castle of Whittington in Shropshire and may have been precipitated by an act of violence against the other (briefly successful) claimant, Maurice of Powys.

The adventures of Fulk and his men during their outlawry are narrated in great detail by the 14th-century prose romance, *Fouke le fitz Waryn*, which seems to have drawn upon a late 13th-century verse epic. These adventures combine historically verifiable points of

detail (names of individuals, topographical information) with exploits of a more literary and fanciful nature (the defeat of a giant, the rescue of seven beautiful 'damoiseles', the abduction of King John).

It is possible, however, to follow Fulk fitz Warin's career as an outlaw through other evidence. Annals composed at the Cistercian abbey of Stanley in Wiltshire reveal, for instance, that Fulk and many of his men occupied the abbey for 14 days in July 1202.

The author of the annals makes it clear that Fulk and his men left the community in peace, but presumably not before helping themselves to the stores, livestock, and wine of the monks. Some of

Fulk's men clearly got up to other mischief: a lawsuit in 1203 recorded that one of his band, Gilbert of Dover, was charged with forcibly taking hunting hounds from a Shropshire knight.

Yet perhaps the most important evidence for his period as an outlaw is found in the patent roll, which carefully lists the names of 52 men outlawed and subsequently pardoned with Fulk. The list offers a remarkable and detailed insight into his following. Among those entered in the list were his brothers, local knights, men whose surnames suggest they hailed from as far afield as Yorkshire, Lancashire and Ulster, and even that taker of hounds, Gilbert of Dover.

been outlawed to the king's exchequer in Westminster. The same lists were then to be forwarded to the king himself.

### **Hundreds of outlaws**

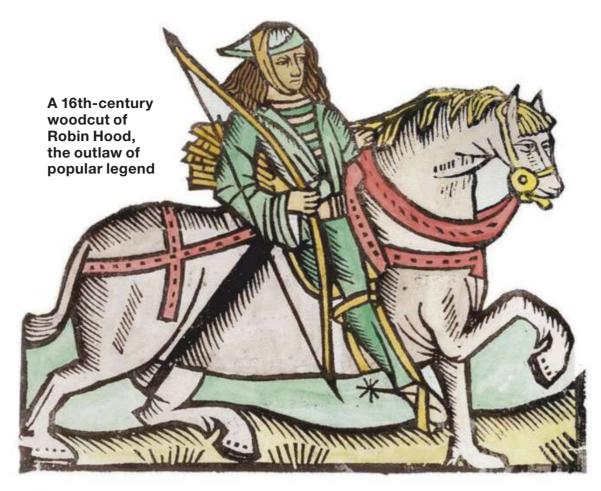
A remarkable and terrible measure of the implementation of this legislation is found on the pipe roll for 1175-76, where each shire entry is followed by long lists of those who had perished in the ordeal of water or who had fled as outlaws. Unfortunately, the pipe roll entries do not specify who had drowned or who had fled, but even so the length of these lists remains impressive. More than 500 men (as well as one woman) were either drowned in the ordeal or were outlawed. Also recorded against each name was the value of his (or her) chattels. Collectively these sums represented a not insignificant source of revenue, totalling over £270. There was clearly profit in the making of outlaws on this sort of scale.

The king's right to outlaw men was matched by his right to reverse sentences of outlawry. The legal handbook known as Glanville, composed by and on behalf of Henry II's justices in the 1180s, refers to those tenants "outlawed by the law of the land and duly restored by the king's favour".

A revealing instance of this right in action comes from a Cornish lawsuit in 1201. The lawsuit concerned the misfortunes of one Reinward of Hendra, who lived in the 1160s and 1170s. Reinward went out of the shire for his "evil deeds" and was subsequently outlawed "by the assize of the kingdom". But sometime prior to 1175, Reginald, Earl of Cornwall, "pardoned his outlawry and gave him peace". Earl Reginald could do this, it was explained, because he "had the county of Cornwall and all things which belong to the lord king".

Reinward, however, seems to have pushed his luck too far: he was outlawed a second time, and it was as an outlaw that his enemies – presumably his enemies in Cornwall – caught up with him and killed him. Reinward would have done better to have heeded Henry II's command and crossed the sea.

Men were outlawed for treason, and this made it a powerful tool for the coercion, punishment and removal of the king's enemies. The records reveal that, in 1176, Gilbert fitz Waltheof – the king's reeve of West Derby in Lancashire and a supporter of Hugh, Earl of Chester during the rebellion of 1173-74 – offered the king £400 to have his outlawry pardoned. The political nature of the process under King John & die the fortunes of Robert fitz Walter and de Vescy. Outlawed in dramatic circuit in January 1213, both men and their the process under King John is also clear from the fortunes of Robert fitz Walter and Eustace de Vescy. Outlawed in dramatic circumstances



### **Magna Carta** addressed the operation of outlawry... no free man was to be outlawed or ruined "except by lawful judgement of his peers"

households were pardoned as part of the king's settlement with Pope Innocent III less than five months later.

Clause 39 of Magna Carta, perhaps the most famous of the charter's clauses, directly addressed the operation of outlawry as well as that of other punishments: no free man was to be imprisoned, dispossessed of his property and exiled, outlawed or ruined "except by the lawful judgement of his peers or by the law of the land". There can be little doubt that the outlawry of Robert fitz Walter and Eustace de Vescy had followed established process in January 1213: the return on the close roll is explicit in declaring that Robert and his men had been outlawed according to the custom of the shire court of Essex.

Yet we may suspect, just as the drafters of Magna Carta suspected, that a veneer of process often concealed political pressures. The fact that the judgement of the shire court was declared in the presence of the Earl of Essex (who was also the king's justiciar), and

a number of the king's leading officials suggests that John maintained a close control over proceedings. In the presence of these representatives, few knights of this or any shire will have been either willing or able to refuse the king's demands to summon and outlaw his enemies.

The inquest into the outlawry of Robert fitz Walter and Eustace de Vescy may have been an attempt to confirm the presence of due process when they were made outlaws – process, of course, which the king reversed by pardoning both men in May 1213.

Both Robert and Eustace were to play important roles of leadership in the insurrection against King John and in the subsequent war of 1215–17. Eustace was killed by a crossbow bolt at Barnard Castle in August 1216; Robert fitz Walter was captured during the battle in the streets of Lincoln the following May.

Both men, moreover, had played an important role in the drafting of the charter – so, too, had members of their ecclesiastical networks, including their fellow outlaws in 1212, Gervase of Howbridge and John of Ferriby. All four of these men would have had good reason to seek to challenge the king's abuse of outlawry.

In this sense, clause 39 of Magna Carta may have been inspired, if only in part, by the outlawry declared in the shire courts of Essex, Yorkshire, and Northumberland in January 1213. 🛄

**Dr Hugh Doherty** lectures in medieval history at the University of East Anglia

### DISCOVER MORE

### **BOOK**

► Two Medieval Outlaws: Eustace the Monk and Fouke fitz Waryn by Glynn Burgess, ed (Boydell & Brewer, 2009)

### HISTORYEXPLORER

### Smuggling's heyday



Dr Evan Jones visits **Bristol** to explore the city's thriving trade in illicit goods during the 16th century and reveals a very different type of smuggler to the 19th-century stereotype

tanding on the banks of the river Avon near Hung Road in Shirehampton, watching the occasional pleasure boat chugging by, it is hard to imagine that what is now a tranquil stretch of water was once a bustling hub of Bristol's trade in illegal goods. But, says Evan Jones, senior lecturer in economic and social history at the University of Bristol, the city was a major focus for smuggling during the 16th century, and its profits lined the pockets of some of Bristol's best-known merchants.

Bristol's location – some six miles up the river Avon from the Severn Estuary – played a key part in its thriving illicit trade. By law, goods had to be loaded on the Quay (now St Augustine's Reach) and the Back (now known as Welsh Back). Here, ships engaged in smuggling would declare some of their export cargo before sailing down river to Avonmouth on the river Severn. There – or from creeks, pills and havens along the Severn estuary – the ships would meet with river barges and load up with illegal goods before sailing out to sea on the ebbing tide.

Smugglers operated long before the Tudor period, with late medieval merchants specialising in the illegal export of highly taxed raw wool. Yet, according to Jones, it was during the 1520s that the trade in illicit goods became a large-scale and highly organised business, beginning with the export of foodstuffs.

Concerned that its ability to raise revenue from overseas trade was not keeping pace with inflation at home – and worried that rising food prices would lead to rioting – the crown came up with new ways to extract

money from overseas traders. One was to prohibit them from exporting foodstuffs without a licence to do so.

"Licences that allowed merchants to legally export foodstuffs such as grain were incredibly expensive, and could add as much as 50–60 per cent to the cost of goods," explains Jones. "This gave merchants a huge incentive to smuggle, particularly when the same laws were introduced on leather exports in 1538. And smuggling was a highly lucrative trade: Bristol account books from the period reveal that, in the early 1540s, merchants could make up to 150 per cent profit on the illicit export of foodstuffs, and 80 per cent on leather."

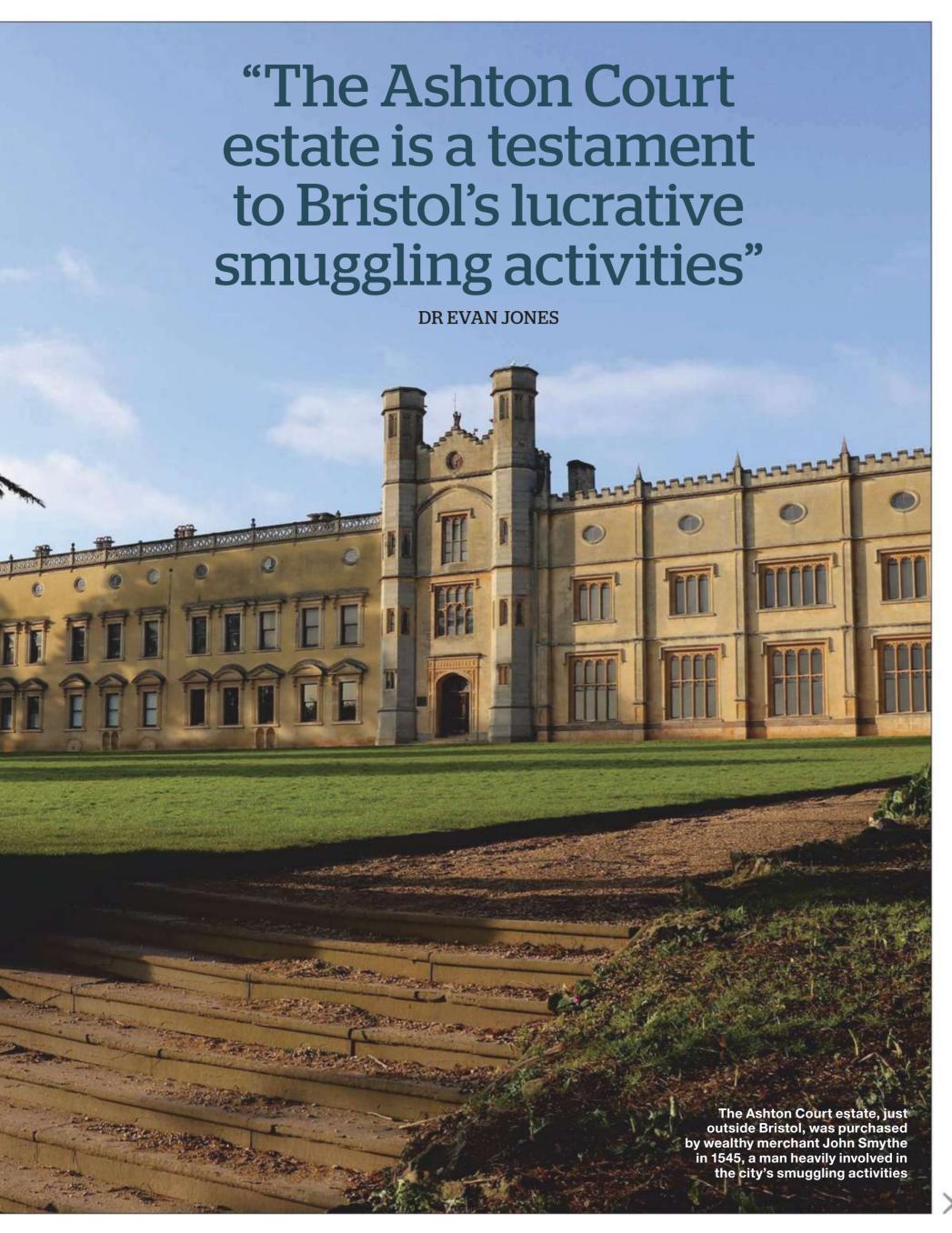
Today, a replica of John Cabot's ship, the *Matthew* – commemorating the 1497 voyage of discovery to North America – is moored in Bristol's floating harbour. But, says Evan Jones, even this famous vessel was involved in smuggling, with "informations" given to the exchequer in 1498 and 1500 claiming the ship had been transporting uncustomed goods.

### Reaping the benefits

Popular perceptions of smuggling, mainly a product of the 19th century, conjure up images of rowing boats pulling into dark coves at night, but the illegal trading of goods was, in fact, a relatively open business during the Tudor period, involving some of Bristol's most famous merchants. And the fruits of their profits can still be seen in the city today.

John Smythe, a pillar of Bristol's commercial community, part-financed the Ashton Court estate, just outside the city, in 1545, with the proceeds of his smuggling activities. His descendants enlarged, rebuilt,





A 16th-century sailing ship. Wool, grain and wine were all smuggled by sea at this time

remodelled and reconstructed the site over the following 400 years, only relinquishing the estate in the mid-20th century. The 850-acre site, now owned by Bristol City Council, is open to the public and is a testament to Bristol's lucrative smuggling activities. Similarly, Bristol Grammar School, founded in 1532 by wealthy merchant brothers Robert and Nicholas Thorne, is also partly a product of the trade.

With all this smuggling taking place, how did the crown attempt to combat the problem? In theory, the authorities employed customs officials to police the ports and collect revenue. Yet in practice, says Jones, the role was wide open to abuse.

"The job of preventing ships from being loaded or unloaded illicitly fell to the searcher," he says. "The trouble was, the only way you could acquire this job was by purchasing it from the lord treasurer of England." And, since the position offered little by way of wages, and the searcher had to pay his various clerks and deputies from his own pocket, the only way to make money from the job was to accept bribes from the merchants, and allow their ships to pass through unchallenged.

"It's easy to think of the Tudor monarchs as being all-powerful," says Evan Jones.
"But in reality the reach of the crown was very limited. It was left to local elites to police the trade – and, if these men were corrupt, then there was little that the crown could do about it."

**VISIT**Ashton Court, Bristol

The money that some were prepared to pay for a role within customs was staggering. In Bristol, during the 1590s, William Cecil – Elizabeth I's chief advisor and lord treasurer – was offered £300 for the post of searcher. At a time when an ordinary man would earn somewhere in the region of £10 a year, this was an incredible sum of money – perhaps equivalent to around £750,000 today.

Merchants were also heavily involved in the appointment of customs officers, often using their political influence to make sure the right sort of man was given the job – someone who would remain favourable to them.

"The ledgers of merchants like John Smythe can be very revealing when studying the extent of smuggling in the city," says Jones. "By the 1540s, Smythe had become one of the most powerful merchants in Bristol – responsible for about 5 per cent of all Bristol's continental trade – and it's clear that he used his trading influence to control the movements of customs officers.

"One such officer, who was involved in the wine trade, was provided with £300–£400 of wine on interest-free credit: a clear conflict of interest. There was no way that officer would board one of Smythe's ships to seize goods, as he would have known that his large debt could have been recalled at any time."

### Positions of power

The crown introduced incentives for informers in an attempt to crack down on smuggling. It also offered a 50 per cent share in any illicit goods seized to those who came forward with information. But many of the merchants involved in the trade held positions of power, which made it easy to persecute those who acted against them.

According to Jones, of the 15 Bristol merchants known to have been involved in the trade by 1550, no less than 10 served as sheriffs, mayors or MPs of the city at some point. Among them was John Smythe, who was sheriff once and mayor twice.

Merchants went to extreme lengths to avoid the potentially prying eyes of customs

officers. But, says Jones, if these failed and it looked likely that they were about to be caught, there were still tactics they could employ to wriggle out of facing the full force of the law.

"They would often get a friend to go and arrest the ship first in the name of the king or queen, the idea being that once the ship had been seized, no one else could arrest it," explains Jones. "The friend would then initiate what was known as a 'feigned' prosecution in the exchequer courts in London but then withdraw the charge or allow it to be disproved. The vast majority of

The replica Matthew in Bristol's



floating harbour. The original ship, which sailed to North America in 1497, is now believed to have been involved in smuggling activities

"MERCHANTS WENT TO EXTREME LENGTHS TO AVOID THE POTENTIALLY PRYING EYES OF CUSTOMS OFFICERS" ALAMY/JENI

### SMUGGLING: FIVE MORE PLACES TO EXPLORE



Merchants used these flat-topped tables, known as 'nails', to transact business



cases tackled in the exchequer were either abandoned, or ended with the goods seized being valued for a tiny proportion of their true worth."

Customs officers were also known to give merchants advanced notice of planned searches on their ships. One such warning, contained in a letter written in 1558 by an MP, William Tyndall, to his brother Robert, informs the latter that his illegal shipment of grain is under threat: "I have had much talk with the customer and controller, who be honest men but yet (being informed) must needs do what they would not willingly. And therefore I pray God send time for that pinnace that she may depart, otherwise I fear me the officers must needs come aboard and for their own discharge do harm."

### **Avoiding prosecution**

Bristol's wider trading history can still be seen in the city – from Corn Street's 18th-century exchange building, where merchants of all stripes conducted business transactions, to the four flat-topped bronze tables located nearby. Known as 'nails', these were used by merchants to conduct business, striking the top when the transaction had been agreed. But much of the evidence of Bristol's smuggling history is hidden within merchants' surviving account books. When compared with official records, these reveal significant discrepancies between how much money the merchants made, and what they actually declared. It is this, says Jones, that demonstrates the extent of illegal trade in the city, and the types of people engaging in it.

Smuggling as a trade waxed and waned over the centuries – when taxes were high, there was always an incentive to smuggle. Bristol's smuggling history is well documented and many private records of the period have survived. But its activity was not unusual, according to Jones. As the second most important port in the country at the time, smuggling in the city may have been conducted on a larger scale, but there is plenty of evidence of illicit activity taking place in other ports, such as Southampton, King's Lynn and Hull.

Words: Charlotte Hodgman. Historical advisor: Dr Evan Jones, senior lecturer at the University of Bristol, and author of *Inside the Illicit Economy: Reconstructing the Smugglers' Trade of Sixteenth Century Bristol* (Ashgate, 2012)

### 1 Cardiff

Where the crown's reach was limited

Smuggling here was aided by the city's remote location and the Welsh language, which helped it elude the reach of the crown. Nearby Sully Island and Swanbridge port were also involved in smuggling: court records for the latter from 1569 reveal the seizure of 28,000lb of cheese and 80 barrels of butter. visitcardiff.com

### 2 Isle of Man

Where English laws were obsolete
Henry IV granted trade freedom for the
island to Sir John Stanley in 1405, and it
remained outside of crown control for over
300 years, becoming notorious as a centre
for smuggling in the 18th century. An
English act of parliament in 1704, which
banned trade with France, did not apply to
Manx vessels, so French wine and brandy
were frequently smuggled into Britain.
visitisleofman.com

### 3 Custom House, King's Lynn

Where grain was smuggled abroad Thanks to its status as England's leading grain producer and its proximity to the Netherlands, East Anglia was a focus for the illicit trade in grain, which, during the 16th century, was smuggled through the port of King's Lynn. The town's custom house dates from the late 17th century. *kingslynnonline.com* 

### 4 Southampton

Where wool was smuggled to Italy Southampton's smuggling history is primarily linked to the export of wool, largely to Italy. Nearby Netley Abbey and Castle are both said to have been used to store contraband, while the 18th-century Luttrell's Tower boasts extensive views of the Solent, and a tunnel to the beach. discoversouthampton.co.uk

### 5 Dockside, Hull

Where offloading sites abounded According to customs officers in Hull in the late 16th century, the "43 several places of charging and discharging of merchandise at wharfs and cranes belonging to the merchants" made it almost impossible to properly police the traffic of goods. Their pleas for one wharf for overseas trade were answered in 1775.

visithullandeastyorkshire.com

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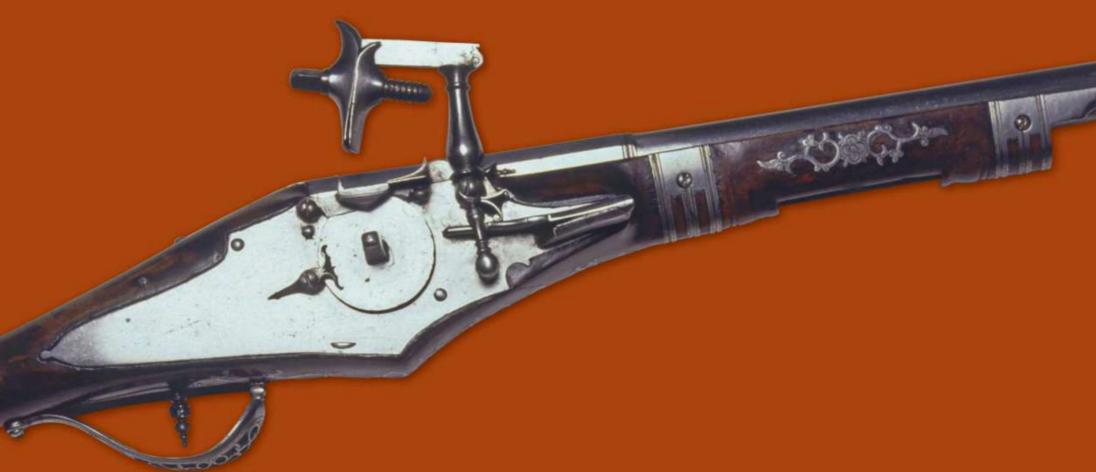
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# THE HUNT FOR THE TUDOR HITMAN



In 1536, a London merchant was gunned down with a lethal new weapon in a killing that bore all the hallmarks of a professional 'hit'. But who pulled the trigger, and why? **Derek Wilson** investigates

t around 6am on Monday
13 November 1536, Robert
Packington left his house
in London's Cheapside – or
just around the corner in
Sopers Lane – to attend
early Mass in the Mercers' Chapel on the
north side of West Cheap.

His journey was a short one but, in all likelihood, Packington carried a lantern: the night was dark and smoke from a thousand chimneys, mingling with a mist from the Thames, reduced visibility to a few paces.

Packington's route took him past the Great Conduit, a square building in the middle of Cheapside containing the fountain that provided the nearby houses with their water supply. As he crossed the thoroughfare, only a few metres from his destination, a single shot rang out and he fell dead upon the instant.

Almost as soon as Packington's body hit the ground, the crowd that rapidly gathered around his corpse was asking questions.

Why would someone want to eliminate one of London's most respectable figures – Robert Packington was not only a prominent merchant, and a leading light in the Worshipful Mercers' Company, but he was also a member of parliament. Why did the assassin select such a busy part of London – a daily gathering point for unemployed men hoping to be hired as day labourers – to commit the crime?

And why did no one notice the gunman or his weapon? The only firearms in general use at the time were matchlock arquebuses — and these were hardly tailor-made for assassins wishing to carry out a swift, surgical strike. Arquebuses were more than a metre long and had to be held using both hands. The powder was ignited by means of a glowing match which would show up in the dark.

Even in the gloom of that November pre-dawn, anyone carrying, let alone using, such an unwieldy firearm would have attracted attention. Yet this assassin, apparently, stood a mere matter of yards from a crowd, put the gun to his shoulder, and pulled the trigger. There was a flash and an explosion. And yet no one saw him.

The reason that the murderer was able to melt into the darkness was, as it transpires, that he wasn't using an arquebus at all, but the much smaller, more discreet wheellock pistol (for more information on this, see the text box below right). In fact, poor Robert

"Packington was probably the first person in England to be killed with a handgun" Packington probably holds the dubious distinction of being the first person in England to be killed with a handgun.

By the time the autumn sun had dispelled the early mist, the shocking news of the merchant's murder was all over town. And, by now, one more question was on everyone's lips – and, four days later, that question was still unanswered. Writing to his master, Viscount Lisle, in Calais, Francis Hall reported: "The murderer that slew Mr Packington with a gun in Cheapside cannot be yet known". Despite the offer of a large reward by the lord mayor, no one was brought to book for the crime.

### Cruelty of the clergy

But this did not mean that there were no suspicions. John Bale, the Protestant controversialist, writing a decade later, was sure that the instigators of the killing were the Catholic bishops – the "byfurked ordinaries". Soon Edward Hall's history of England from the reigns of Henry IV to Henry VIII – the *Union of the Two Illustre Families of Lancaster and York* (commonly called *Hall's Chronicle*) – was on the bookstalls, containing a more detailed account of the incident.

It added that because Robert Packington had denounced "the covetousness and cruelty of the clergy" it was most likely that "by one of them [he was] thus shamefully murdered". By the time Foxe wrote his *Acts* 



and Monuments of the Christian Religion (commonly known as the *Book of Martyrs* – first Latin edition 1559) specific perpetrators were in the frame.

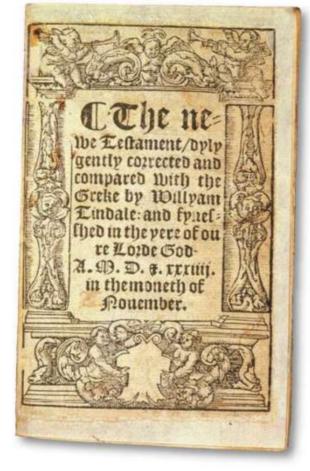
But before we come onto those, we should consider the background to the murder. The year 1536 was the most tense and turbulent of Henry VIII's reign.

The first ominous event was the death, in January, of Catharine of Aragon, the former queen, still much loved by many of Henry's subjects. Scarcely had the memory of her passing begun to fade when news came that the king's second wife, Anne Boleyn, had been arrested and was going to be executed.

Few mourned the death of the 'French whore' but many were troubled by the manner of her demise. The king had done so many terrible things, including making himself pope in England. What might he do next?

The answer was: begin dismantling the fabric of the nation's religion by closing the smaller monasteries. Government preachers were put up in the pulpits to denounce Catholic practices. In response, bold spirits stood up in other churches to attack the 'heretics' now exercising power over the king – particularly Thomas Cromwell, Henry's closest adviser, and archbishop Thomas Cranmer.

A rabid pamphlet war broke out between traditionalist and reformist parties.
Neighbour accused neighbour of being a 'papist' or a 'heretic'. There was widespread



fear that insults would give way to violence. Cromwell even ordered that all priests must surrender any weapons they possessed.

Then, in October, the looming storm broke. News reached London that men in the Midlands and the north had risen in revolt against religious change and would soon be marching south. Henry and his court shut themselves up in Windsor Castle. Citizens feared that blood would soon be running in their streets. And so it was. But why was it Packington's? A clue surely lies in the fact that he was a senior member of the Mercers' Company, had studied at the Inns of Court and regularly sat at the House of Commons.

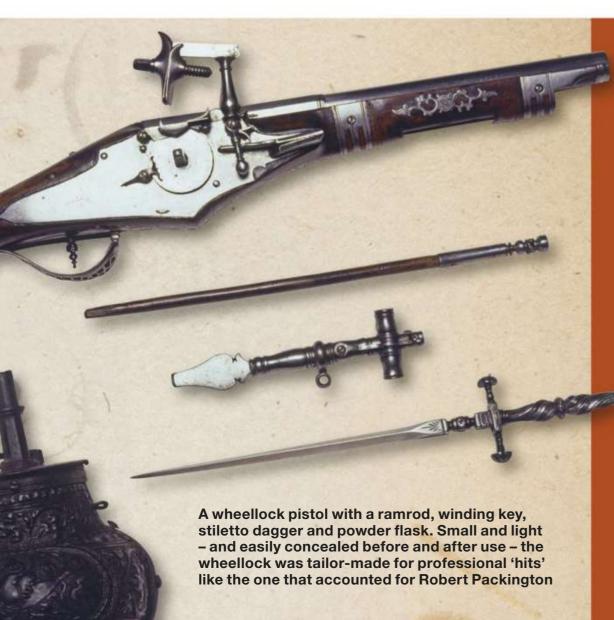
A copy of the New Testament translated into English by William Tyndale. Was Robert Packington targeted because he smuggled this banned text into England?

Now, if any Londoners resented the power of the clergy, it was the city's merchants, lawyers and parliamentarians. Robert Packington was an outspoken critic. But, in all probability, he was more – an evangelical activist engaged in smuggling William Tyndale's banned translation of the New Testament and other heretical books into England. He was also, it seems, an associate of Cromwell, and carried messages between the minister and evangelical activists in Antwerp.

So, when Packington was brutally murdered few people were in any doubt that he was a victim of Catholic reactionaries, and that his death was a shot across Protestant bows fired by the senior clergy or even the bishop of London himself, John Stokesley.

John Foxe went a stage further in his *Acts* and *Monuments of the Christian Religion*. Stokesley, he averred, had paid someone 60 gold coins to undertake the murder. However, in his 1570 edition of the book, Foxe changed the name of the instigator. Now, he identified John Incent, canon of St Paul's (and later dean), as the paymaster – a crime to which Incent had allegedly confessed on his deathbed in 1545. The actual hitman was now identified as an Italian.

To confuse the issue yet further, *Holinshed's Chronicles* (1577) attributed the crime to an unnamed felon subsequently



### The assassin's weapon of choice

The pistol that killed Robert Packington made Europe's rulers decidedly jumpy

The one fact mentioned in every early account of Robert Packington's murder is that it was perpetrated "with a gun". It was this that made the act shocking, cowardly and diabolical. The weapon referred to, and the only one that can have been used to kill Packington, was a wheellock pistol. Such a firearm was much shorter than an arquebus. It needed no lighted match because the powder was ignited by a spark struck from a flint. The weapon could be hidden beneath a cloak, brought out, fired one-handedly at close range, then as quickly concealed.

The wheellock introduced a new era of political assassination. Invented in the early 16th century, its potential was quickly recognised by European rulers. In 1518 the Holy Roman Emperor Maximillian I banned the manufacture and carrying of "self-igniting handguns that set themselves to firing". Other heads of state were not slow to follow suit. By the 1530s wheellocks were still rare. They were complex and expensive pieces of kit carried by well-to-do, macho braggarts. Few people in London would ever have seen one. Small wonder that it was commonly believed that the murderer was a foreigner.



An illustration shows the hanging of merchant Richard Hunne at St Paul's Cathedral

### Did the clergy have form?

Those who held churchmen responsible for Packington's death were quick to call attention to a similar killing in 1514

Shortly after Robert Packington was slain on the streets of Cheapside, stories began circulating of another killing that had taken place in England's capital 22 years earlier.

In early 1537 an anonymous pamphlet, printed in Antwerp, was being avidly read on the streets of London, telling how one Richard Hunne had been locked up in the Lollards' Tower of St Paul's Cathedral and then had been brutally murdered.

The pamphlet was no mere Protestant diatribe. It made public for the first time the complete coroner's report and named three henchmen of Richard Fitzjames, then bishop of London, who had "feloniously strangled and smothered, and also the neck they did

break of the said Richard Hunne... afterward... with the same girdle of the same Richard Hunne... after his death, upon a hook driven into... the wall of the prison... and so hanged him".

Why was the story of this sensational crime revived more than two decades later? Why did it arouse fresh interest at this particular time? Because Hunne, like Packington, was a prominent merchant (a member of the Merchant Taylors' Company) and an outspoken critic of the ecclesiastical hierarchy. He too, so it was alleged, had been violently silenced at the behest of the clergy.

The timing of the publication was no coincidence, and readers could not help remarking upon the parallels between the two killings.

hanged at Banbury for an unrelated offence. Can we, centuries later, make any sense of the conflicting evidence?

The attack on Packington has all the hallmarks of a professional 'hit'. The weapon, the location, the timing all indicate a carefully planned assassination.

Hitmen do not come cheap. The early reports of a considerable fee having been paid do make sense. If the villain who actually pulled the trigger was the one who later paid for his crime at Banbury, we are left with two suspects as possible instigators of the atrocity. Foxe was – eventually – convinced about Incent's deathbed confession. It was, he

declared, attested "by men both of great credit and worshipful estimation".

But was this middle-ranking priest capable of thinking up and putting into operation a cold-blooded murder? Time, perhaps, for a little psychological profiling.

Incent was a conservative and given to ecclesiastical in-fighting with his more evangelically minded colleagues. But he had no reputation as a persecutor and he did not allow mere theology to stand in the way of his promotion: later he was one of the commissioners sent by Cromwell to help dissolve monasteries. Moreover, if Incent believed that Packington was a

### "Bishop Stokesley was rich enough, powerful enough and ruthless enough to organise the attack"

dangerous heretic, why would his conscience be troubled about ridding the world of him?

Bishop Stokesley was a horse of a very different colour. He already had blood on his hands and actually boasted of having consigned over 30 heretics to the flames. He openly quarrelled with Cromwell and was particularly opposed to the minister's pet project of promoting an English Bible. He was active in hunting down William Tyndale and having him arrested in Antwerp. The translator was burned as a heretic just five weeks before Packington's death.

Here, I think, we may be at the crux of the matter. Stokesley believed passionately that the vernacular Bible should not be available in England. For years he had been fighting a losing battle against the illegal import of Tyndale's New Testament. Anger and frustration could well have driven him to extreme measures. The bishop was clever enough, rich enough, powerful enough and ruthless enough to organise an attack on a Bible smuggler who was a confidant of that loathsome creature, Thomas Cromwell. Perhaps Foxe's first impression was correct.

But then, what are we to make of Incent's confession? Well, we are not obliged to believe that Stokesley acted alone. On the contrary, he would have needed trusted accomplices to help fine-tune the crime. If Incent was a mere sidekick who had supported his bishop's plan to murder a prominent London citizen, he might well have felt the need to cleanse his soul before it followed that of Robert Packington into the presence of the Great Judge.

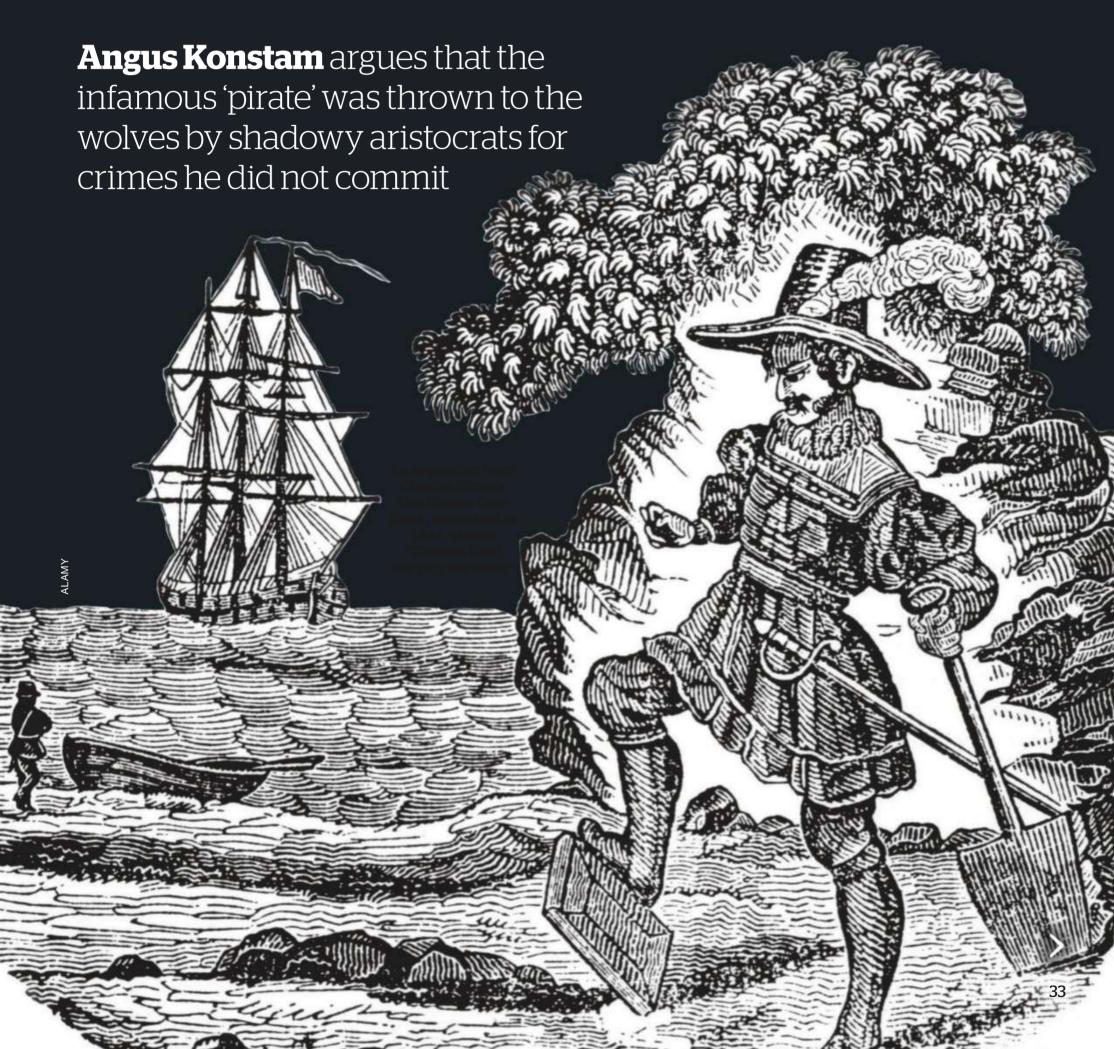
**Derek Wilson** is a historian, and author of *The First Horseman*, a mystery novel based upon the Packington affair, written under the name DK Wilson (Sphere, 2014)

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► Religious Identities in Henry VIII's England by Peter Marshall (Ashgate, 2006)

# THE SACRIFICE OF CAPTAIN KIDD



hen the hangman's rope snapped and a choking William Kidd fell to the ground beneath the gallows, he must have thought for a moment that he would be spared the noose. For the first time since he sailed from London six years earlier, he was literally being given a break. The reprieve was short-lived. The bound man was hauled back to the gallows, and a new rope was found. For Captain Kidd, notorious pirate and murderer, there would be no mercy. The irony of it was, just as he proclaimed from the gallows, he was an innocent man.

Even though he committed no crime, Kidd was forced to endure 18 months of solitary confinement, a thorough character assassination, a farcical show trial, and a botched execution. Kidd had become a dangerous pawn in the game of British politics – a man with the potential to embarrass or even bring down the government, tarnish the reputation of the king, and cause the downfall of his shadowy aristocratic backers.

Until recently, it was generally assumed he was guilty as charged. This has all changed in the past century, as historians have taken a fresh look at the evidence and unearthed crucial documents that reveal that the trial was rigged against the unfortunate Kidd.

### The call of the sea

William Kidd's troubles began in August 1695 when he first arrived in London. Kidd was a respectable 40-year-old sea captain from New York, a man of family and property, with a reputation as a successful privateer. He was a Scot, born in Dundee, but as a young man he moved to New York colony, and since childhood had followed the call of the sea. By 1691 he commanded his own privateer, or 'private warship'.

There was a big difference between a privateer and a pirate. In times of war, privateering licences were issued by governments, allowing captains to hunt down enemy merchant ships. In return the Admiralty kept a share of any plunder. In effect it was a form of legitimised piracy. Without the licence, you were a pirate.

In London Kidd met fellow New Yorker Robert Livingston, a wealthy merchant who had the ear of an English peer. After meeting Kidd, Livingston approached his acquaintance Lord Bellomont, hoping to get backing to build a privateer to hunt down Frenchmen and pirates in the Indian ocean. It was proposed that Kidd would be the ship's captain.

Lord Bellomont sounded out four others in his circle. The five noblemen decided to

put up £6,000 between them to build the ship, and to serve as a stake in the venture. Apart from the Irish-born Lord Bellomont, Kidd's new backers were the Earl of Romney, the secretary of state the Duke of Shrewsbury, the future attorney general Lord John Somers, and the first lord of the Admiralty Admiral Edward Russell. All of them were leading members of the Whig government – men at the very heart of the English political establishment. In this period there were two political parties – the liberal Whigs and the more conservative Tories. When Kidd arrived in London it was the Whigs who held the reins of power.

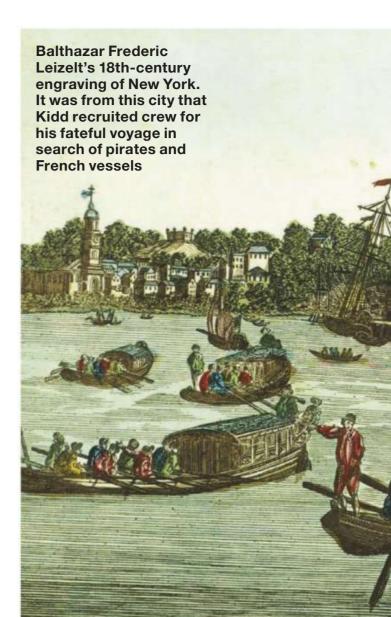
The purpose-built privateer Adventure Galley of 34 guns was built in Deptford in just five weeks. Privateering licences were duly issued by King William but, unusually, the Admiralty wasn't to get its share. Instead the plunder went to the backers, save a percentage that was to be divided up among Kidd and his crew. Kidd's backers were to remain secretive about their involvement – and with good reason: this was a highly questionable arrangement, and one that could potentially reap a huge return. Kidd was playing for high stakes indeed.

In April 1696 Kidd left London for America, and six weeks later he was back in New York, where he recruited additional crewmen. He set sail from there in September, and all went well until he encountered a convoy of ships licensed to the East India Company, escorted by Commodore Warren of the Royal Navy.

Warren wanted to press some of Kidd's crew, and so to protect his men Kidd fled in the night. When dawn revealed his departure Warren wrote a damning report to the

Lord Bellomont helped fund Captain Kidd's infamous last venture but later had him arrested for piracy





Admiralty, describing him as a pirate. Based on no evidence at all, Kidd was a criminal in the eyes of the British authorities. Worse, the East India Company would repeat this slander in India.

For the next year, Kidd roamed the Indian ocean in search of prey, but despite his honest intentions the East India Company remained convinced he had 'turned pirate', and denied him access to their ports. His crew were frustrated, and mutiny seethed beneath the surface.

When Kidd encountered a Dutch ship the crisis came to a head. The ringleader of the mutineers was the gunner, William Moore. He wanted to ransack the Dutchman, and during the confrontation that followed Kidd hit the gunner on the head with a wooden bucket. Moore died of concussion the next day.

After that, things began to improve. In November Kidd captured a genuine prize, the *Rouparelle*, whose captain carried a 'pass' on behalf of French merchants, making her a legitimate prize. Then, on 30 January 1698, he hit the jackpot. Kidd captured the *Quedagh Merchant*, an Indian ship carrying another French pass. Her hold was filled with silks, muslins, as well as gold, silver and jewels, all worth an estimated £75,000. That was enough to pay for the ship, pay off the crew, and still leave enough for Kidd's backers to double their money.

Denied a safe haven in India, Kidd decided to head home. On the way though, he put

SETTY IMAGES



into the pirate haven of St Mary's off Madagascar, hoping to capture a pirate prize. The pirate Robert Culliford was there with his ship, but by then Kidd's hurriedlybuilt Adventure Galley was rotten, and in no condition to fight. He was also short of men, as his two prize ships had become separated in a storm. When the ships finally appeared Kidd ordered his men to attack. Instead they mutinied, and most of them joined the pirate crew. Robert Culliford sailed off in search of plunder.

Kidd abandoned the Adventure Galley, and with 12 loyal crewmen he patched up the Quedagh Merchant and sailed for home, together with what remained of his plunder.

He reached the Caribbean in March 1699, and leaving the Quedagh Merchant there he sailed home to explain his actions. He took

The real question was whether his backers and even the king had encouraged Kidd to go 'a pirating' on their behalf

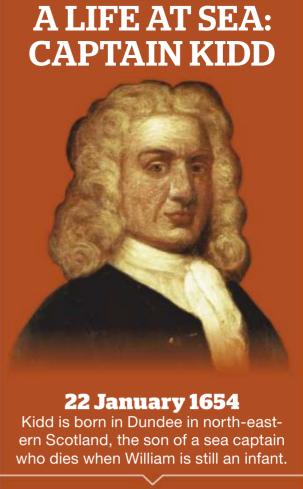
plunder with him, but as a precaution he buried it on an island in Long Island Sound. After meeting his wife Kidd sailed to Boston in order to meet his backer Lord Bellomont, who was now the governor of New York and New England. When Kidd met him on 3 July the nobleman seemed reserved. The reason soon became clear. Three days later Kidd was arrested.

### Standing trial

The problem was, Kidd had been so widely discredited by slander that his backers wanted nothing to do with him. Instead, Kidd was thrown to the wolves. Bellomont forced him to reveal where he had buried his plunder, and this was retrieved. Then, after six months of incarceration, Kidd was shipped to England to stand trial.

First though, Kidd was expected to appear before the House of Commons, to answer questions posed by the Tory opposition. In London there was no doubt that Kidd was a pirate – the real question was whether his backers and even the king had encouraged him to go 'a pirating' on their behalf.

The answer would have to wait. When Kidd arrived in April 1700 parliament had just ended its sitting, and it would be almost a year before it reconvened. After an interrogation by the Admiralty, Kidd was thrown into Newgate prison. He would languish in solitary confinement for 12 months. Meanwhile the Admiralty prepared the case for his prosecution.



### 16 May 1691

Kidd marries Sarah Oort, the richest widow in New York, and the couple move into a substantial town house on Wall Street.

### 10 April 1695

The newly built Adventure Galley sails from London, with Kidd in command. He sets a course for New York, to recruit a crew.

### **30 January 1698**

Kidd captures the Quedagh Merchant, which carries a French-registered cargo of textiles, gold, silver and jewels, valued at £75,000 (£9m today).

### **12 May 1698**

When Kidd orders his crew to attack the pirate ship of Robert Culliford they mutiny, and most join forces with the pirates.

### **6 July 1699**

Kidd is arrested in Boston on the orders of his backer the Earl of Bellomont, now governor of New York and Massachusetts.

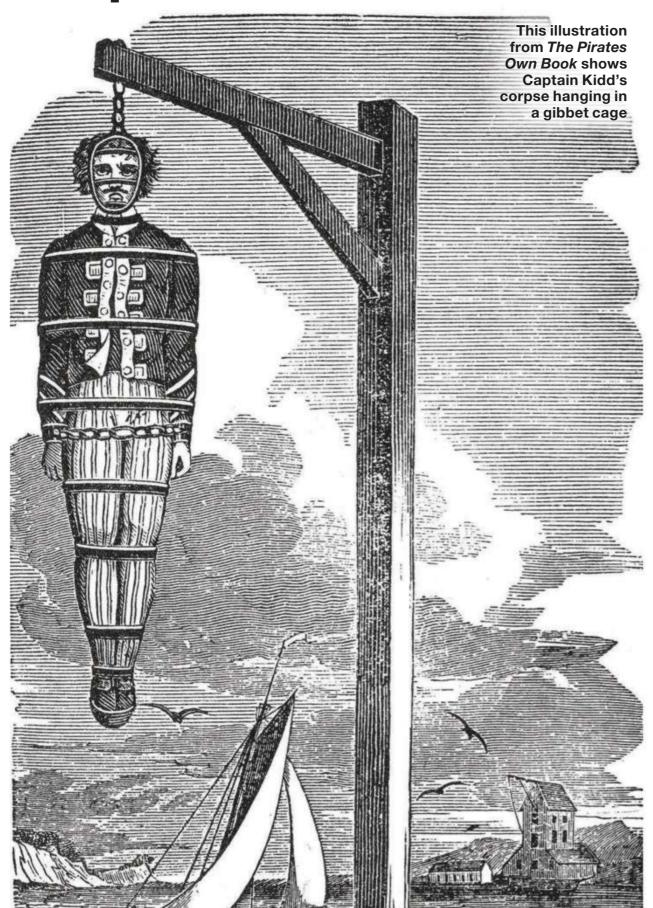
### 9 May 1701

After almost a year in prison Kidd is found guilty of murder and piracy, in a rigged and one-sided two-day trial.

### **23 May 1701**

Kidd is taken to Execution Dock in Wapping, and hanged on a specially constructed platform built by the Admiralty on the Thames foreshore.

### **Pirates and privateers**



When Kidd was given copies of the relevant documents, crucial evidence – those French passes – were withheld. The very cornerstones of his defence had been 'mislaid'. Today they can be read in the National Archives. In the winter of 1700–01, Kidd wasn't so lucky.

On 27 March 1701, Kidd was finally called before parliament. While he had been languishing in Newgate, elections had been held, and this time round the Tories were in power. After all that waiting the hearing was a disappointment for the Tories, who wanted Kidd to discredit their political opponents. Kidd steadfastly protested his innocence, and denied his backers had encouraged any wrongdoing. He was duly thrown back into his cell. The trial itself began on 8 May. Denied effective counsel, Kidd would have to mount his own defence.

What followed was a sham. The experienced Admiralty prosecutors opened with a murder charge – the killing of William Moore. Two of Kidd's mutineers were produced – men who had recently been captured in the Americas – and they perjured themselves by claiming the assault was premeditated. If Kidd was guilty of anything, it was manslaughter, an action carried out to quell a mutiny. Instead he was found guilty of murder.

This was followed by five charges of piracy, beginning with the seizure of the *Quedagh Merchant*. Once again, the perjurers gave evidence. Kidd's request to delay the trial until the passes were found was denied. The case was rigged – even the prosecutor described Kidd to the jury as an "arch pirate, and common enemy of mankind". Kidd was again found guilty.

### Kidd's bloated body was taken to Tilbury, where it was squeezed into an iron cage

The trial continued the following day. By this time Kidd was refusing to play the game, saying: "I will not trouble this court any more, for it is folly". Consequently he was found guilty on all three remaining counts. The judge went on to pass the death penalty. Only then did Kidd react, crying out; "My Lord, that is a very hard sentence. For my part I am the innocentest person of them all, only I have been sworn against by perjured persons".

### **Death at sunset**

On 23 May 1701, William Kidd was hanged at Wapping. He died at sunset, and his corpse was tied to a stake to let three tides wash over him according to Admiralty custom. His bloated body was then taken by boat down to Tilbury, where it was squeezed into an iron cage. This was then suspended overlooking the Thames, as a grizzly warning to other would-be pirates.

After his death, the legend of Kidd 'the pirate' continued to grow. Lurid accounts of his 'crimes' were catalogued in Charles Johnson's *A General History of Pirates* in 1724, and he came to be regarded as one of the most notorious cutthroats in history.

It was only in 1910, when those elusive French passes were discovered, that the real story began to emerge. Over the past 25 years, fresh detective work has revealed the manipulation, perjury, rumour-mongering and deal-making that underpinned the whole affair.

Above all, it finally revealed the names of the five lords who were his secret backers but – not wanting to be associated with an affair in which they had diverted money from the Admiralty in order to line their own pockets – sacrificed the sea captain on the altar of political expediency.

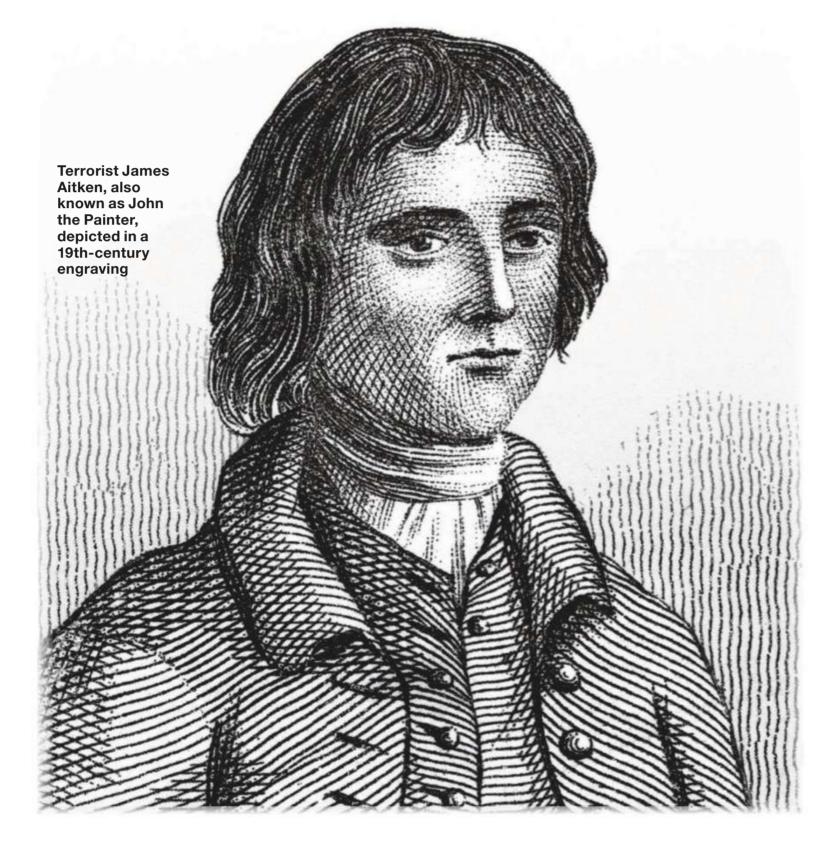
Angus Konstam is a historian and writer, and an authority on pirates. His books include *The World Atlas of Pirates* (Lyons Press, 2009)

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▶ Piracy: The Complete History by Angus Konstam (Osprey Publishing, 2008)

## BRITAIN'S FIRST TERRORST



In the 1770s, as Britain's American colonies headed towards revolution, George III faced an additional challenge at home. **Jessica Warner** explains how a disaffected Scot terrorised Britain's dockyards and caused panic throughout the country

ho could have guessed that James Aitken, a humble house painter by trade, would one day become the most wanted man in Britain? He was a hopelessly ordinary young man, one of hundreds of thousands who wandered the English countryside looking for work and women. A former employer remembered only that he "went by the name of John". He attracted so little attention, aroused so little interest, that no one knew "whither he went, or what road he took". If they took the time to notice him, it was to laugh at his Scottish accent, his stammering, his shabby clothes.

Born in 1752, in Edinburgh's Old Town, James Aitken was the eighth of twelve children. When he was just seven his father died. When he was nine he was admitted to Heriot's, which at the time was a school for orphans. He did not distinguish himself. In 1767, his schooling completed, he was apprenticed to a house painter.

#### Ripe for conversion

It was not an auspicious start for a man bent on "accomplishing some great achievement". In his confessions (there are two of them) he speaks of his true ambition: to become an officer and in so doing win fame and fortune. There is something very Scottish about this – the British officer corps had more than its fair share of Scots – but it is also the wish of a social conservative, of a man who wants to be at the top of the pecking order and not at the bottom. His humble circumstances did not make him a republican; still less did they make him a working-class radical.

Nor was he a Scottish patriot. For all of the anti-Scots prejudice that he encountered later in life, first in England and then in America, he never wavered in his goal: to make a mark, not for his homeland, but for himself. When asked to say where he was from, he did not say Scotland; he described himself only as "a native of Europe".

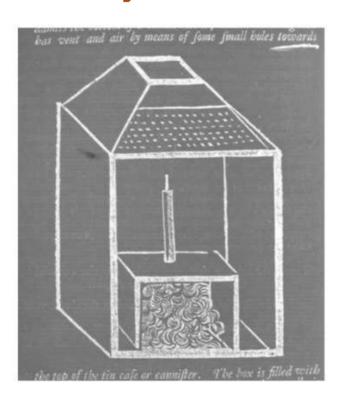
In 1772, he left Scotland for good. At first he tried his luck as a journeyman painter in London. When he tired of this, he turned to crime, holding up stagecoaches on Finchley Common. He was very nearly caught. In his panic he decamped to America. That was in 1773. He worked briefly as an indentured servant in Virginia, only to run away at the first opportunity. All told, he spent two years in colonial America, leaving only when hostilities were imminent. He was a witness to the events leading up to the revolution, but there is no sign that he was as yet sympathetic to it.

That did not happen until after he returned to England, no richer than when he had left. It was at this point that he became increasingly rudderless, tramping the English countryside, sometimes painting houses, sometimes breaking into them. He assumed aliases, joining and deserting the army on at least three occasions.

He was ripe for a conversion experience, and this duly happened in an Oxford pub. Several men, already in their cups, were discussing the war. They all agreed: the war depended on the navy, but the navy depended on the royal dockyards. Take away these and the war was as good as lost.

Such ineluctable logic had an electrifying effect on James Aitken. That same night he came up with a plan: he would single-handedly destroy the great royal dockyards and in so doing would win the war for America. If he died in the process, his memory would live on; if he lived, he would return to a hero's welcome, and an officer's commission, in America.

## He was a hopelessly ordinary young man, one of ... thousands who wandered the English countryside



A drawing of Aitken's slow fuse cannister, which allowed him to escape before fires took hold. It was made, rather poorly, by an apprentice brazier

Over the next nine months he visited each of the major dockyards – Chatham, Woolwich and Deptford in the east, Portsmouth in the south, and Plymouth in the west – taking copious notes at each. He did more: he designed a cannister that would function as a slow-fuse device, allowing him to start fires and escape before they spread.

#### The incompetent terrorist

From this point forward his misadventures multiplied, bringing him into contact with a succession of increasingly unlikely characters: the American envoy in Paris, a double agent in London, a jail house snitch, and the great crime-fighter of his day, Sir John Fielding.

The envoy was Silas Deane. Like everyone else, Deane was at first put off by Aitken's wild appearance and demeanour, describing his eyes as "sparkling and wild," his countenance, too, as "rather wild, and at the same time somewhat expressive, his hair deeply inclined to the red, and his face covered with red freckles". Even so, Deane gave Aitken's scheme his blessing, along with a trifling sum (three pounds). He gave Aitken two other things: a passport authorised by Louis XVI and the name of a man to contact in London. The one, when it was discovered in a Portsmouth lodging house, would be used to convict Aitken; the other, unbeknown to Deane, was a double agent working for the British government.

Once back in England, Aitken proceeded to Canterbury. The original plan had been to have five incendiary devices built there, one for each of the dockyards he planned to destroy. But he needlessly drew attention to himself, getting into a fight with two grenadiers and later arousing the suspicion of his landlady. Spooked, he left Canterbury with just one completed device.

His first target was Portsmouth, the largest of the royal dockyards. He arrived there on 5 December 1776. He was looking for a likely spot to set a diversionary fire, and this he found in a rickety lodging house run by Elizabeth Boxell.

His fantasies exceeded his abilities. His first attempt to burn down the rope house, a building nearly a quarter of a mile in length, came to naught when his matches failed one after the other. Night fell, and he found himself locked inside the rope house, his clothes matted with tar and hemp. The following morning, Elizabeth Boxell gave him the boot after she caught him trying to start a fire in his room. He proceeded to Portsea, just outside the dockyard, and found new lodgings, in a house belonging to a widow. Her name was Anne Cole, and little did she suspect that he had selected her





A cartoon from 1774 criticising disciplinary measures imposed after the Boston Tea Party riot of the previous year. Aitken had allied himself to the American cause

### **A superpower** and the young men who hated it

Aitken wanted to make his mark in the world and allied himself to the American cause that attracted idle adventurers as well as future US statesmen

On 3 November 1763, plenipotentiaries from Britain, France, and Spain, wearied by months of machinations, signed the Treaty of Paris. The Seven Years' War was over. Britain was the victor and to it went the spoils: the French possessions in Canada and the Indian subcontinent, territories in Africa, islands in the West Indies. Blessed with vast colonies and possessed of a large and efficient navy, Britain emerged from the war the most powerful and most hated country of its day.

No one expected this state of affairs to go unchallenged. But the source of the challenge was unexpected. It came not from France, Britain's traditional enemy, but from America. Saddled with a war debt in excess of £135 million, the ministry of George Grenville took the momentous step of directly taxing the 13 American colonies. The reaction was immediate. When Parliament imposed a Sugar Act in 1764, evasion verged on civil

disobedience; when it imposed a Stamp Act in 1765, civil disobedience flared into riot. From this point forward it mattered little what Parliament did. The damage had been done and it was only a matter of time before scattered riots and protests took the form of revolution in 1775.

These events were watched with great interest by bored and idle young men on both sides of the Atlantic. They besieged the American delegation in Paris, and they importuned Washington and his aides, pledging, in the stilted words of one, to fight "in the cause of the liberty against the oppressors".

Their ranks included the future US statesman Alexander Hamilton and Nathan Hale (later hanged as a spy by the British during the coming war), neither of whom had seen his 21st birthday when hostilities broke out in 1775. And they included James Aitken.

#### **John the Painter**





# At Portsmouth dockyard he succeeded in starting fires in three separate locations ... By the following morning, the rope house was in ruins, and Aitken halfway to London

house precisely because it was a firetrap. He left his bundle with her, planning to retrieve it after setting fire to the dockyard and before setting fire to her house. It contained all of his worldly possessions, including the one he prized the most: the passport signed by Louis XVI.

He never returned. "Did you open that bundle?" the crown prosecutor later asked Anne Cole. "It was not tied close, and I saw it a little way open," she had to admit. "What did you see in the bundle?" "I saw some books and other things," she answered, adding, just a little too defensively, that she had resisted the temptation to reach inside.

Aitken's bad luck continued once he was back inside the dockyard. His incendiary device, which he placed in the south hemp house, failed to ignite. (Even its maker, an inexperienced apprentice, had to admit that it was "very bad soldered".) It was only when Aitken made a second attempt on the rope house that he succeeded, starting fires in three separate locations and escaping before they were noticed. By the following morning, the rope house was in ruins and Aitken was halfway to London.

Flushed with success, he showed up at number 4 Downing Street. This was the house of Dr Edward Bancroft, Deane's contact in London. Aitken not only told him everything, he asked for money so that he could complete his mission. Bancroft was flabbergasted. Fearful of being exposed, he hustled Aitken out of his house. He did, however, agree to a second meeting, at the Salopian Coffee house on Charing Cross Road. He heard Aitken out, but refused to get involved.

Bancroft's rebuff had the effect of further unhinging Aitken. He headed west, to Bristol and from there to the dockyard at Plymouth. The latter, however, had by now

### Profile of a terrorist

#### **James Aitken**

1752 - 1777

#### 1 Personality

Aitken was insecure, self-absorbed, and quick to take offence (but so was everyone else in 18th-century Britain). For example: when he calls on a stagecoach to stop and is "disregarded and laughed at," he flies into a rage and fires at the passengers. No one is hurt.

#### Significant relationships

None, other than a misplaced (and unrequited) adoration of Silas Deane, the American envoy in Paris and a laughable bumpkin. There are no women in his life, aside from the occasional prostitute, but this does not distinguish him from other men in their early twenties. On at least one occasion he rapes a woman, a shepherdess in Basingstoke.

#### 3 Politics

Conservative. He wishes to rise above his class, not lift it up. Hence his utter disregard for ordinary men and women. "Burning a house is nothing to me," he is supposed to have said. He makes good on this boast by attempting to burn down Portsmouth and Bristol. He is more than a conservative: he is a sociopath.

RIGHT The condemned man: James Aitken after his conviction in Winchester County Jail, 1777



been placed on alert, so he returned to Bristol, whose busy quay, with its packed ships and warehouses, presented an inviting target. He made repeated attempts, always under cover of darkness, to burn down the city.

He did little actual damage. A warehouse was destroyed; another was badly damaged. But by now everyone's nerves were frayed. Suspicion naturally fell on the Americans and their sympathisers. The fires were the work of "our enemies," one newspaper insisted. "Nothing," it added, "is more certain than their diabolical intentions". Another paper supplied them with a motive. Knowing Britain was "likely to gain a decisive victory in the field," they were endeavouring, by the most hellish plots, to undermine her glory, and prevent her success".

#### Feeding the fire of paranoia

Panic spread throughout the land. Innocent men were arrested. Copycats set fires in other towns, without, however, causing serious damage. In Liverpool, citizens formed patrols and were asked "to keep a strict look out on all loitering persons being in or coming to the town". Landlords in particular were asked to report "any lodgers or inmates in their houses, whom they have just cause to suspect".

In Parliament, the ministry took advantage of the panic to rush through a bill allowing American privateers to be held indefinitely without charges. Among the reasons given for suspending habeas corpus was the need to deal with persons who "have been or may be brought into this kingdom, and into other parts of his Majesty's dominions". In the ominous words of the bill itself, "it may be inconvenient in many such cases to proceed forthwith to the trial of such criminals, and at the same time of evil example to suffer them to go at large".

As a result of the so-called American High Treason Bill, privateers, the unlawful combatants of their day, were held indefinitely, some in the prison hulk *Jersey*, others in Wallabout Bay off Brooklyn, and still others in British prisons.

The temptation is overwhelming to substitute Guantanamo Bay for Wallabout Bay, the American Patriot Act for the American High Treason Bill. But that is where the analogies end. With the exception of the American High Treason Bill, which was allowed to lapse at war's end, Aitken's crimes did not cause ordinary Britons to discard their most cherished values. This is brought home by the steps taken to capture and convict him.



#### The panic spread. Innocent men were arrested. Copycats set fires in other towns, citizens formed patrols

bottle of turpentine found on

Aitken at his capture

First for his capture. Aside from the Bow Street Runners, who were little more than glorified bounty hunters, 18th-century Britain was entirely lacking in a professional police force. The first attempts to hunt down Aitken, variously initiated by the Navy Board, the Admiralty, and the commissioner in charge of the royal dockyard in Portsmouth, had been hampered by professional jealousies and a lack of coordination. This went on for nearly two months, during which time Aitken was able to move about and act with impunity.

Late in January of 1777, the Admiralty took over. They offered £1,000 to anyone who could find and capture Aitken, bringing the price on his head to £2,735, when added to the other rewards on offer. This, along with Aitken's basic ineptitude, had the desired effect. After breaking into a house in Calne in Wiltshire, he was chased all the way to the Hampshire village of Odiham. There he surrendered without a struggle. On his person were discovered a pistol and the tools of his trade (turpentine, an awl, and a powder flask), along with various items stolen from the house in Calne.

Eyewitnesses from Portsmouth and Bristol were able to identify Aitken, but there was still insufficient evidence to indict him for his fires. Transferred to London, and brought face to face with the famous magistrate and crime-fighter Sir John Fielding, Aitken stubbornly refused to confess. A week passed.

Frustrated, the ministry paid a Welshman to befriend Aitken. His name was John

Baldwin. Like Aitken, he was a painter by trade. And like Aitken, he had once lived and worked in Philadelphia. Baldwin, playing on Aitken's loneliness, had no difficulties gaining his trust.

For two weeks he visited him in the New Prison at Clerkenwell. Glad of a friend, Aitken talked and talked, revealing names and places. When he gave the address of Anne Cole's house in Portsea, his fate was sealed. There, untouched, was the bundle he had left behind, and in it the passport authorised by Louis XVI.

#### A life's ambition realised

Aitken was tried in Winchester on 6 March 1777. He was not told the charges against him until that day. He had no counsel and did not know which witnesses would be called against him. Nor did he have the means to call his own witnesses. At the end of the day, he was a condemned man, with less than a week to live.

For all that, his trial was scrupulously fair, if only by the iniquitous standards of 18th-century justice. The typical capital case lasted just twenty minutes — Aitken's lasted seven hours — and felons always operated at a disadvantage, being deprived of counsel and kept in the dark until the day of their trial. The trial was fair, and so, for that matter, were the means used to secure his confession. He was not tortured or subjected to sleep deprivation or isolation; nor was he under any compulsion, aside from his own insecurities, to confess to Baldwin.

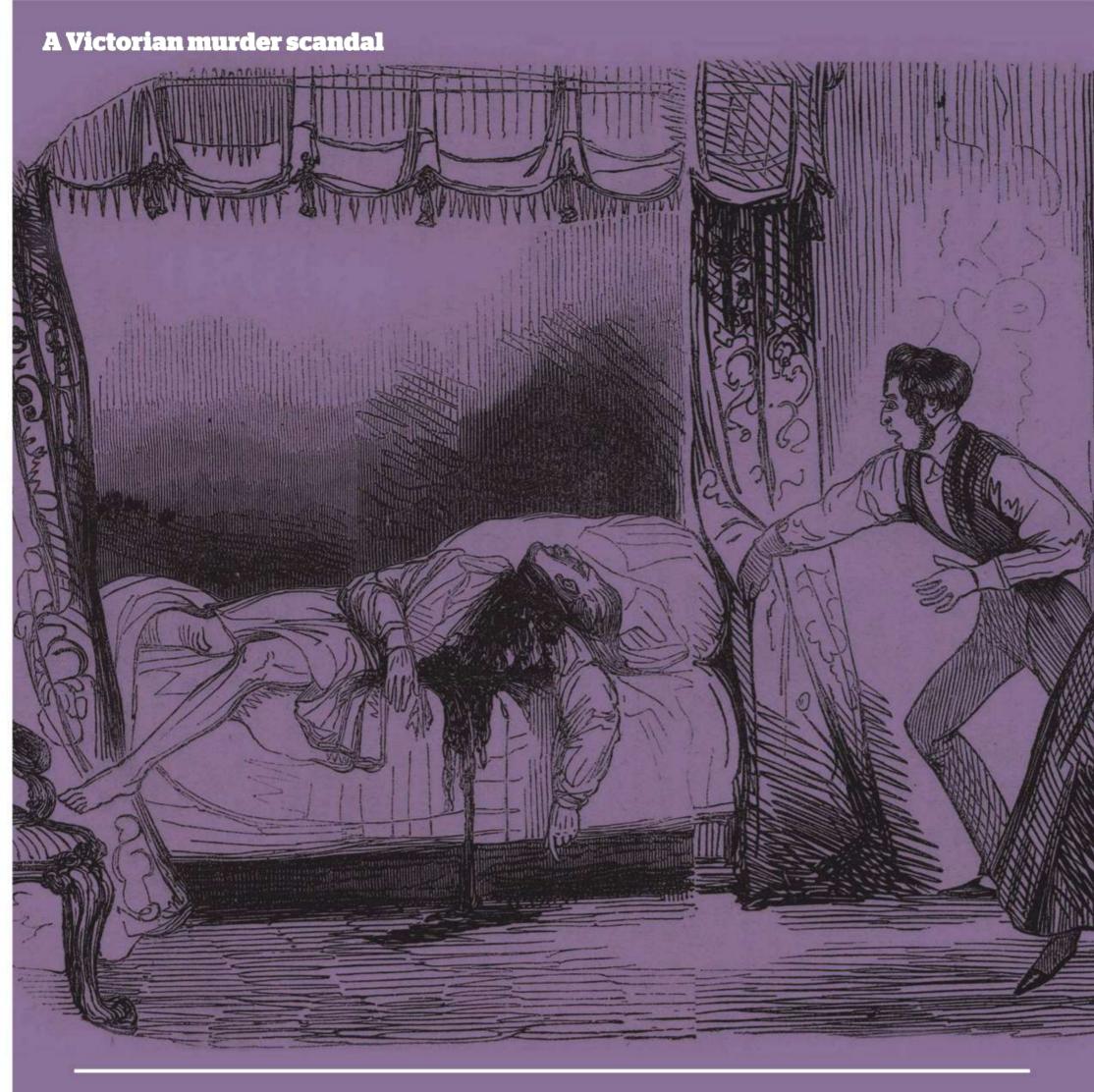
James Aitken was hanged in Portsmouth on 10 March 1777. To the disgrace of hanging was added another indignity: his corpse was hung in chains at the entrance to Portsmouth harbour. There it remained until sailors, years later, took it down, "placed it in a sack, and left it in the chimney-corner of a public house in Gosport".

After his death, his confessions, both of them heavily edited, were published. They do not flatter him. But in them he achieved his larger goal in life, and that was to be remembered. One editor, probably one of Sir John Fielding's clerks, understood him all too well: "The subtlety, and shrewdness of the offender, bespoke him the man of ability, while his conduct in other respects betrayed him a fool".

Jessica Warner is a historian specialising in Georgian England. She is currently working on a novel based on the lives of the forgers Margaret Perreau and William Dodd (jessica-warner.com)







### ADEADLY OBSESSION INVICTORIAN LONDON



Lord William Russell lies butchered in his bed in an illustration from *The Newgate Calendar*. The murder and its aftermath appalled – and thrilled – contemporary Londoners

When 40,000 Londoners watched a man hang for slitting an aristocrat's throat in May 1840, opponents of the death penalty railed at the barbarity of the punishment. So why, asks **Dr Clare Walker Gore**, were they also beguiled by the ghastly spectacle?

n the summer of 1840, one grisly case dominated the news in London. On the morning of 6 May, Lord William Russell was found murdered in his bed in his fashionable Mayfair residence, his throat apparently cut in his sleep. Suspicion soon fell upon Russell's 23-year-old Swiss valet, François Courvoisier, a young man of previously good character, who vehemently protested his innocence. The three-day trial took a sensational turn when a new witness, a Madame Piolaine, came forward on the second day with vital new evidence: a parcel Courvoisier had deposited with her, containing silverware stolen from Lord Russell's household. Courvoisier was found guilty and sentenced to death.

As many as 40,000 people turned out to watch his hanging two weeks later, on 6 July. The case seems to have captured the popular imagination, offering all the thrills of a Newgate novel brought to horrifying life: a murdered aristocrat, a guilty foreigner, a trial full of twists and turns and an eventual confession that seemed straight out of a stage melodrama, with its story of petty theft and trivial resentment escalating, at horrifying speed, to cold-blooded murder.

Was the case a harbinger of revolutionary violence, with servants turning against their masters and murdering them in their sleep? Was it true that Courvoisier had been reading the bestselling Newgate novel Jack Sheppard, his morals warped by immoral popular fiction? If this apparently respectable young valet, with his years of service in aristocratic households and impeccable references, could harbour murderous

intentions towards his master,
was *anyone* safe? No wonder a
huge crowd turned out
to see the public spectacle of

violence intended to lay the matter to rest. "Blood for blood," as one ballad grimly put it, "will be required".

#### A disgusted response

Not everyone would have agreed. One spectator who did not espouse that sentiment was Richard Monckton Milnes, a radical young MP who had already voted against the death penalty in parliament. You might think that Milnes's attitude to the Courvoisier case would be straightforward. After all, he went to see the execution accompanied by his old friend William Makepeace Thackeray, whose disgusted response to the spectacle, 'Going to See a Man Hanged', has become famous for making a powerful case against the death penalty.

But when Milnes's library was bequeathed to his old Cambridge college, Trinity, in 2015, a curious discovery was made. Among a treasure-trove of valuable items, there was an album that Milnes had made to commemorate Courvoisier's trial and execution. Into it, he pasted not only Thackeray's essay, but a selection of ballad sheets, broadsides, cuttings from *The Newgate Calendar*, and a selection of gruesome mementoes. The collection runs the gamut from the morally earnest to the morbidly fascinated, opening a window onto mid-Victorian attitudes to crime and punishment which are every bit as conflicted as our own.

The album opens with a commemorative photograph and autograph of the hangman, William Calcraft.

Like many of his contemporaries, Richard Monckton Milnes had a conflicted attitude to crime and punishment

#### A Victorian murder scandal

Throughout his long career, which saw him carry out the last public hangings in England, Calcraft was a controversial figure: his 'short-drop' method of hanging seems to have been more crowd-pleasing than efficient, frequently causing victims to strangle slowly until Calcraft pulled on their shoulders or legs, as he did in Courvoisier's execution. There is nothing to suggest this in the image in the album (shown opposite), in which he cuts a reassuring figure, with his dignified pose, full beard and respectable outfit of morning coat, waistcoat and watch-chain. The album's next exhibit is still more grisly: a lock of Courvoisier's hair, preserved beneath netting (shown below).

Given his own opposition to the death penalty, we might expect Milnes to have been horrified by commemorative items that turned both hangman and murderer into celebrities. Should we see their inclusion in this album as ironic, or as indicating a lurking fascination with the business of public execution and its enormous popularity as a spectacle?

#### Mad or wicked?

Such conflicted feelings are very much in evidence in the account of the case given in The Newgate Calendar, six pages of which are bound into the album. Rather than emphasising Courvoisier's foreign origins, or attempting to cast him as mad, or simply wicked, the writers seem to suggest that he is an ordinary man who for reasons unknown succumbed to a momentary impulse.

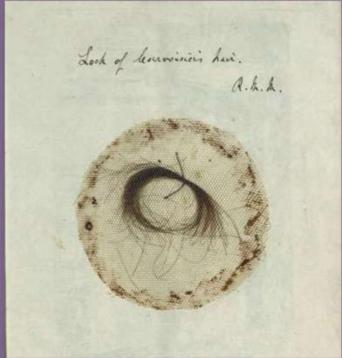
The account of his time in prison stresses his good character, and suggests that he was reading, not a scandalous Newgate novel, but the Book of Common Prayer and the Bible. The writer claims that when Courvoisier's acquaintances were interviewed, they "concurred in expressing their surprise that a person with a mind so constituted as his appeared to be, could on a sudden swerve from the path of moral rectitude and become a murderer".

As if to pile on the agony before we watch him die, we are told that his dignified behaviour and "steady conduct... almost banished from the minds of those that kept watch and ward over him, that he was a convicted murderer".

These musings don't prevent the writers from then offering lurid detail of Courvoisier's last sufferings, the "quivering of the flesh", and then the "severe struggles" in which "the hands were slightly convulsed, and his legs considerably bent and drawn upwards", before the executioner ended it all by pulling on his legs.

Having emphasised the Christian conduct of the condemned man, with his "reliance



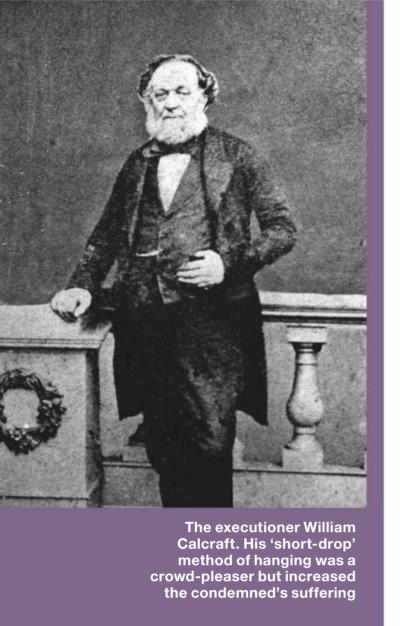


and execution (above) and a lock of the convicted murderer's hair (left)

The novelist Thackeray excoriated public executions after watching Courvoisier die







on pardon and mercy", and offered a picture of a totally unmerciful crowd, who greet his appearance on the scaffold with "hootings, hissings, yells and whistling", the writers inevitably have to address the question of whether the spectacle of this man's death is something that ought to be so widely and so keenly witnessed. This was a delicate matter, one might have thought, since they themselves have reproduced this same spectacle for their readers.

In the end, they hedge their bets. They offer a prim condemnation of the "matrons and maidens" who chose to witness the spectacle, suggesting that their "morbid curiosity" to see "the writhing struggles of a dying man" is "to say the least... 'unfeminine'". Immediately afterwards, however, they express their hope that "the fate of this wretched young man will have a good moral tendency on the minds of all who fill high and responsible situations as servants".

This potent but queasy mixture of satisfaction that justice has been done, and sorrow at the unforgiving attitude of the spectators, also runs through the cheap commemorative broadsides and ballads that Milnes pasted into his album. The broadsides all include a large image of the hanging, accompanied by a regretful account of the crowd who wanted to watch it.

As one writer puts it: "Every spot was crowded with spectators, and when the culprit was brought to the drop, no person seemed to pity him". Juxtaposing the melodrama of Courvoisier's wicked deed and heartfelt penitence with the remorse-

lessness of the audience before which he had to perform his death scene, these broadsides offer their readers the chance to *be* the sympathetic spectators that Courvoisier lacked, recreating the spectacle so that we can react to it differently.

#### Too hideous to contemplate

The final item in Milnes's album is Thackeray's article for *Fraser's Magazine*, 'Going to See a Man Hanged', which Milnes has annotated to identify himself as the mystery MP, the "Mr X---", who suggested the expedition to Thackeray. The placing of Thackeray's article in pride of place perhaps suggests that this is, in Milnes's view, the last word on the matter – or it may testify to his pride in having inspired a friend from his student days, who was to become one of the most celebrated novelists of the period, to write an article espousing his own view on capital punishment.

The positioning of the article, after the repetitive broadsides and ballads, certainly sharpens its point. The stark illustration of the empty gallows – which gave Thackeray what he describes as "a kind of dumb electric shock" – forms a striking contrast to the gory illustrations of the broadsides, in which the gallows is always depicted complete with corpse. As Thackeray tells it, the hanging becomes something too hideous to contemplate directly.

The pages of lively description of the crowd, their gossiping and good-humoured shoving, their drunken misbehaviour and clucking disapproval, make explicit what is implicit in everything that we have seen and read so far: that public hanging is a form of mass entertainment.

The sudden change of tone as the prisoner is brought out onto the scaffold is all the more striking for the jollity of the foregoing pages. After a break in the writing, Thackeray resumes with a new seriousness, to depict a "sickening, ghastly, wicked scene". The moment of execution is not depicted. We hear the "awful, bizarre" noise of the crowd, but turn away from the moment of death: "I am not ashamed to say that I could look no more, but shut my eyes as the last dreadful act was going on".

The justification offered by the broadsides and ballads – that the hanging provides an improving moral lesson on the consequences of crime, and a morally satisfying equivalence between crime and punishment – is trenchantly dealt with. Thackeray tells us, with grim sarcasm, that "for the last 14 days, so salutary has the impression of the butchery been upon me, I have had the man's face continually before my eyes... I feel myself ashamed and degraded at the brutal curiosity

As one description of Courvoisier's execution put it:
"Every spot was crowded with spectators, and when the culprit was brought to the drop, no person seemed to pity him"

which took me to that brutal sight". In case we miss the point, he elaborates: "I fully confess that I came away down Snow Hill that morning with a disgust for murder, but it was for the murder I saw done".

It could be argued that everything in Milnes's album leads up to this final condemnation of the hypocrisy and cant surrounding public executions, illustrating the perverse mixture of enjoyment and revulsion fed to the public through the popular press. Seen in this light, the album becomes a bitterly effective piece of propaganda, casting public execution as a degrading spectacle, which captivates and corrupts all who witness it, including the compiler himself, a principled opponent of the death penalty.

While this spectacle is one that has long been outlawed, the uneasy fascination with crime and punishment, the unsettling mixture of moral outrage and prurient interest, the suggestion of revelling in lurid detail on the pretext of fully expressing the horror, is grimly still relevant.

Before we dismiss this album as a quaintly Victorian artefact, perhaps we should look at crime reporting today, and the justifications the press provide for supplying ever more lurid details of criminal cases. Milnes's album may be foreign to us in some ways, but in others, it is distressingly familiar.

**Dr Clare Walker Gore** is junior research fellow at Trinity College, Cambridge

#### DISCOVER MORE

#### **ONLINE**

➤ You can see a digitised version of **Richard Monckton Milnes's album** on François Courvoisier's execution at *trin.* cam.ac.uk/library/wren-digital-library/



### 'l'he great Victorian letter swindle

Royals, politicians and famous authors were all duped by begging-letter writers in the 19th century. **Antonio Melechi** probes a precursor of today's email scams

harles Dickens was a good friend to the 'deserving poor', but if tricked or traduced the author was famously short on sympathy. In 1850, after discovering that he had made several donations to a man who was later found in good health, and far from dire circumstances, Dickens marched the begging-letter writer to his local magistrate.

Aggrieved that the magistrate seemed "deeply impressed" by this literate rogue and "quite charmed to have the agreeable duty of discharging him" - Dickens took aim at his new foe in his magazine Household Words: "He is one of the most shameless frauds and impositions of this time," snarled Dickens, recalling the glut of pathetic appeals that had recently found their way to his home. "In his idleness, his mendacity, and the immeasurable harm he

"Around a thousand begging letters were sent daily. Forty-nine out of fifty of these were fraudulent. defrauding the public of around £50,000 a year (perhaps £2m today)" does... he is more worthy of Norfolk Island than three-fourths of the worst characters who are sent there."

In the late 1830s, the journalist and social investigator James Grant estimated that London's lodging houses were home to at least 250 professional begging-letter writers, the most successful of them able to employ clerks, keep a carriage and earn an income equal to that of a society physician. Around a thousand begging letters were, Grant believed, sent daily. Forty-nine out of fifty of these were fraudulent, defrauding the benevolent public of around £50,000 a year (perhaps £2m today).

With the advent of Uniform Penny Postage in 1840, which made the postal service more accessible to the public, the number of begging letters doubled. By the time Dickens had his fingers burned, London was in the grip of an invisible crime wave. With no more than pen, paper and

a credible sob story, legions of begging-letter writers, often working in cahoots, were thriving on the wages of imposture.

Though itinerant rogues had used sham petitions throughout the 17th and 18th centuries, it was not until the 1790s that the begging-letter writer evolved into the kind of white-collar conman that Dickens despised. *The Newgate Calendar*, an ever-popular anthology of crime and punishment, signalled his arrival with the tale of Henry Perfect, the son of a Leicestershire clergyman, indicted for obtaining money under

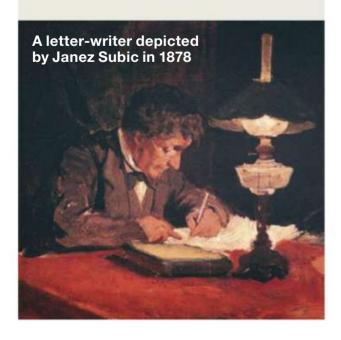
#### CASE STUDY

#### The male damsel in distress is exposed

London's most prolific and successful writer of begging letters, Henry Stone, was tried at the Clerkenwell Sessions in 1852. During the trial, Stone was found to have made a small fortune on the strength of the following notice in *The Times*:

"To the Charitable and Affluent. At the 11th hour a young and most unfortunate lady is driven by great distress to solicit from those charitable and humane persons who ever derive pleasure from benevolent acts, some little pecuniary assistance. The advertiser's condition is almost hopeless, being, alas! Friendless, and reduced to the last extremity. The smallest aid will be thankfully acknowledged, and the fullest explanation given. Direct Miss T. C. M., Post-office, Great Randolph St., Camden New Town."

An expert in dissembling 'female distress', Stone had employed an accomplice to play the part of a young woman "deceived by a base and heartless villain". The ruse was exposed by the Mendicity Society. Stone's handiwork earned him transportation for seven years.



false pretences from the Earl of Carendon, the Duchess of Beaufort, Lord Willoughby de Broke, Lord Littleton, Lady Howard, and a score of bishops and honourables.

According to the *Calendar*, Perfect's letters were written either in the guise of an impoverished cleric or bereaved wife. A fastidious worker, he kept a book of accounts "as regular as any merchant in London". In no more than two years, Perfect had earned himself the grand sum of £488, for which he was sentenced to seven years in Botany Bay.

It was thanks to the efforts of the London Mendicity Society – founded on the high-minded belief that begging debased the poor, robbing them of industry and self-reliance – that a public spotlight was trained on the ruses that Perfect and his like were practising upon the charitable rich.

While the society invited its well-heeled subscribers to forward all begging letters to its offices at Red Lion Square, it scoured the broadsheets for suspicious adverts, and fished for information from anyone who believed they might have received a fictitious petition. Every letter was checked and cross-referenced, with officers looking out for common names and calligraphy.

#### **Sob stories**

By the early 1830s, the society had amassed 28,000 begging letters "from persons of rank and influence". Though the majority of these letters were from the genuinely needy—largely destitute women without the means to provide for their families or pay outstanding debts—many were the work of chancers and opportunists, like the young man from the Black Country who, while admitting to never having known "true poverty", expressed a desire to travel and see the world's great sights.

Dickens, fast becoming an expert on the varieties of sob story that continued to do the rounds of the rich and titled, was happy to endorse the society's work. The charitably inclined should, he urged, "be deaf to such appeals, and crush the trade... Give money today in recognition of a begging-letter – no matter how unlike a common begging letter, – and for the next fortnight you will have a rush of such communications."

In its most successful year, the Mendicity Society prosecuted 42 professional begging-letter writers. This was a relatively small return on the time and effort that it expended. With good reason, one irate critic claimed the organisation was itself a "stupendous hoax" and "a tremendous swindle".

The society stood firm, pointing to the high-profile cases that it had, over the course of three decades, helped expose. There was Joseph Underwood, a master of the begging



"Just as he had suspected, Dickens, along with several other literary gentlemen, had indeed established a reputation as a charitable fool"

epistle, whose penmanship had netted him thousands; Harriet Reid, the "bold and masculine" defrauder of Lord Chichester, Lord Hardwicke and Lady Pole; William King, committed to three months' hard labour after attempting to defraud Lord Nugent with false tales and forged testimonials; the McMullins, mother and son begging-letter writers, found residing in a divided apartment: one room well-furnished, the other (which inquiring ladies and gentleman were ushered into) unimaginably shabby; and Henry Stone (see case study, left), whose "singular command" of the English language – and multiple aliases – won over the great and good, including the Duke of Wellington, whose donations were found to amount to a staggering £400.

While the stick-wielding officers of the Mendicity Society went banging on the doors of the city's begging-letter writers, they were, it seemed, oblivious to the more lowly 'screevers' who made a living by

supplying 'slums' (letters), 'fakements' (petitions) and other bogus material to professional cadgers.

Generally speaking, screevers were exiles from respectable society: clerks, teachers, lawyers and otherwise "reduced gentlemen". Their profession, as exposed by Henry Mayhew in his *London Labour and the London Poor*, remained "a class of whom the public little imagine either the number or turpitude". A short letter confirming the alias of the bearer could be purchased for a shilling.

For two guineas, the more ambitious cadger could purchase a petition: a request for charitable aid, complete with forged signatures from witnesses and subscribers. Ten guineas bought the screever's masterwork: a long literary composition composed

#### American fraudster preys on the dead

Throughout the 1850s, the Mendicity Society warned that American swindlers were pursuing "a heartless system of imposture," studying the obituary notices to cheat bereaved families with their artful and pathetic tales. The following letter from a young lady signed 'C', a supposed inmate of 'Jail Hospital', was sent to the family of a recently deceased gentleman in Oxford:

"Kind and honoured benefactor, - It is now some time since I last wrote, nor should I do so now had I not been very ill and in much distress, and impelled thereto by your desire that I should apply to you again the moment I had further need of your assistance. God bless you, my honoured Sir, for your great goodness to me, unworthy as I am of your generous consideration... My wretchedness and disgrace is breaking my heart. I feel at times it would be better for me to die, and yet I pray to God to be returned to my dear, dear native land, and be once more clasped to the fond hearts of my dearest parents... The money you sent me last is all expended. Please, dear Sir, send me a little more; 5l. Or 10l. will do... Pray send soon, for I am in much distress. I am destitute and sickness is adding tenfold to my suffering."

The Mendicity Society's exposure of this con (which invariably asked that remittances be sent to a certain Dr SJ Lynch in New York) ensured that the mysterious 'C' was left to languish in Jail Hospital, receiving no assistance from the family of her honoured Sir.

in his best curlicue style. In the course of his research, Mayhew managed to obtain a screever's list of personages known to have fallen for begging-letter deceptions. The list, drawn from the notebook of a man who had spent "30 years on the monkery", included the late Queen Dowager, the Bishop of Norwich, Sir Robert Peel, the Dukes of Devonshire and Portland, Lord Lytlleton, and a certain author by the name of "Charles Dickins [sic]". Just as he had suspected, Dickens, along with several other literary gentlemen, had indeed established a reputation as a charitable fool.

Mayhew delegated the task of profiling the begging-letter impostor, the long-standing nemesis of the Mendicity Society, to a young journalist called Andrew Halliday. The picture that Halliday drew, with no shortage of artistic licence, was of a down-at-heel dandy, an educated trickster with "white cravats, soft hands, and filbert nails", "his general expression of pious resignation contradicted by restless, bloodshot eyes".

Unlike the screever who simply acted as amanuensis to the less literate cadger, Halliday's begging-letter writer was a shape shifter, and it was his ability to adapt himself "in person", to bring his literary ventriloquism to life, that earned him a particularly devilish reputation. One day he might play The Decayed Gentleman, the next The Distressed Scholar wanting not a penny more than the rail-fare or coach hire to take up a new appointment. "Among the many varieties of mendacious beggar," declared Halliday, "there is none so detestable as this hypocritical scoundrel". To affront common decency and charitable instincts with these wily impersonations was considered worse than fraud itself.

#### **Monstrous** margin

A mischievous *Times* leader from October 1867 begged to differ. Presenting the much-maligned begging-letter writer as a novelist *manqué*, *The Times* asked its readers "not [to] despise this humble professional" but to think of him as a natural competitor of the authors of cheap fiction who "by dint of huge type and monstrous margin, stretch a simple tale of passion and wickedness into three volumes priced a guinea and a half".

The parallel may have been partly facetious, yet after the rabid admonishments of Dickens & Co this was a rather unexpected accolade for the begging-letter pariah. A writer first, a criminal second?

But with the telegraph and telephone offering up new possibilities to the white-collar criminal, these 'humble professionals' were a dying breed. Although the Mendicity Society's pigeon-hole archives now held a



"The begging-letter imposter was, it was said, a down-at-heel dandy, an educated trickster with 'white cravats, soft hands, and filbert nails"

quarter of a million begging letters, business was not what it used to be. By the turn of the century, prosecutions for begging-letter fraud were set to reach an all-time low, and the enmity that had been voiced towards these 'shameless frauds' soon gave way to a hearty and sentimental appraisal of a once-popular deception. It was a rose-tinted obituary for a singularly ingenious career, an elegy for those literary Fagins who had contrived to rob the rich without ever leaving their lodgings.

**Dr Antonio Melechi** is a sociologist at the University of York. His most recent book is *Servants of the Supernatural: The Night Side of the Victorian Mind* (Heinemann, 2008)

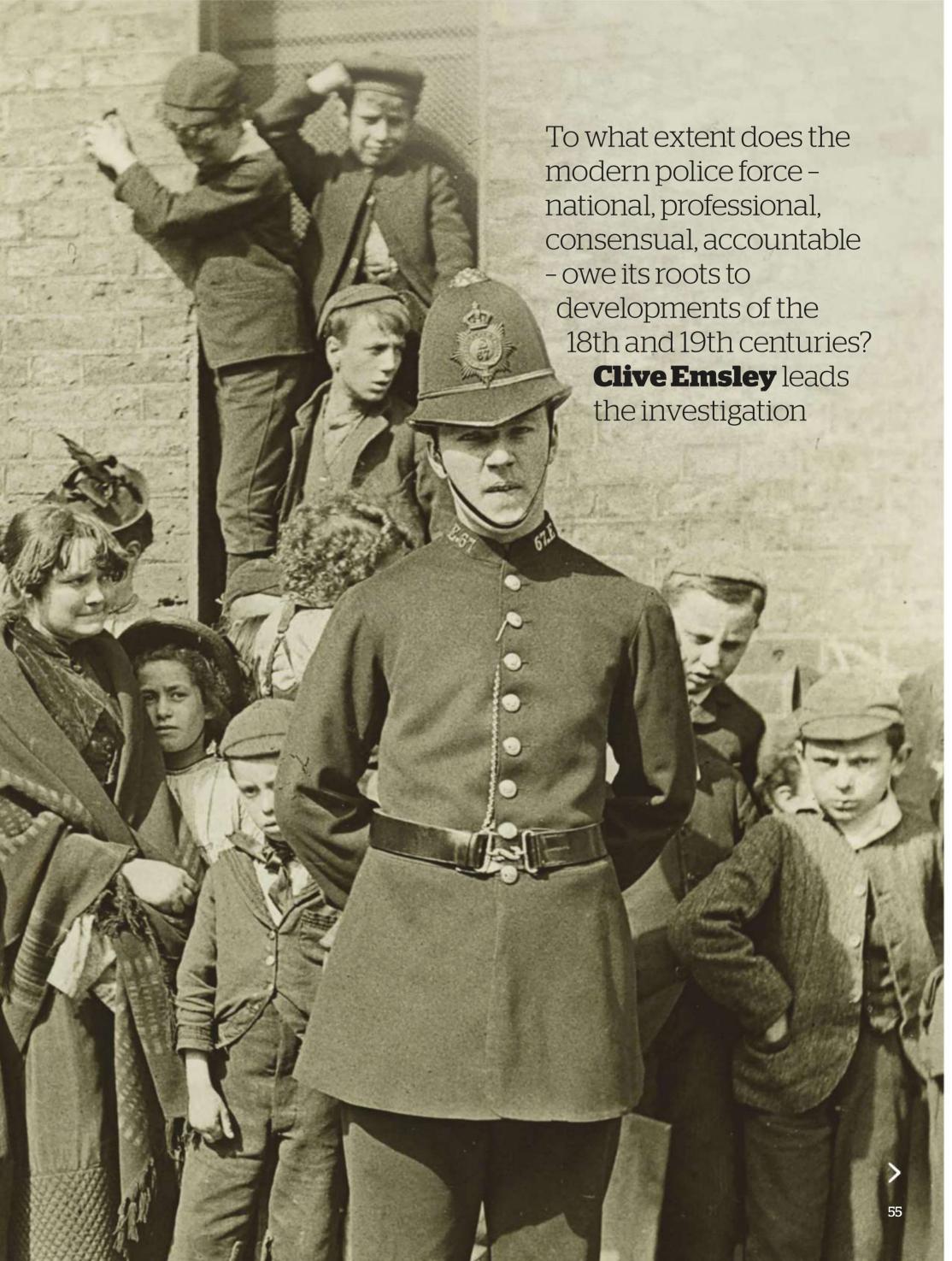
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#### WEBSITE

► To read **Charles Dickens's journals online** – including his magazine *Household Words* – go to *djo.org.uk* 

# POLICING THE NATION





#### The police force

he first proper police institution in Britain is often cited as the Metropolitan Police in London, established in 1829 – although many Scots would disagree, setting the origins in Scotland with the Edinburgh Town Guard formed in 1682 to police the city.

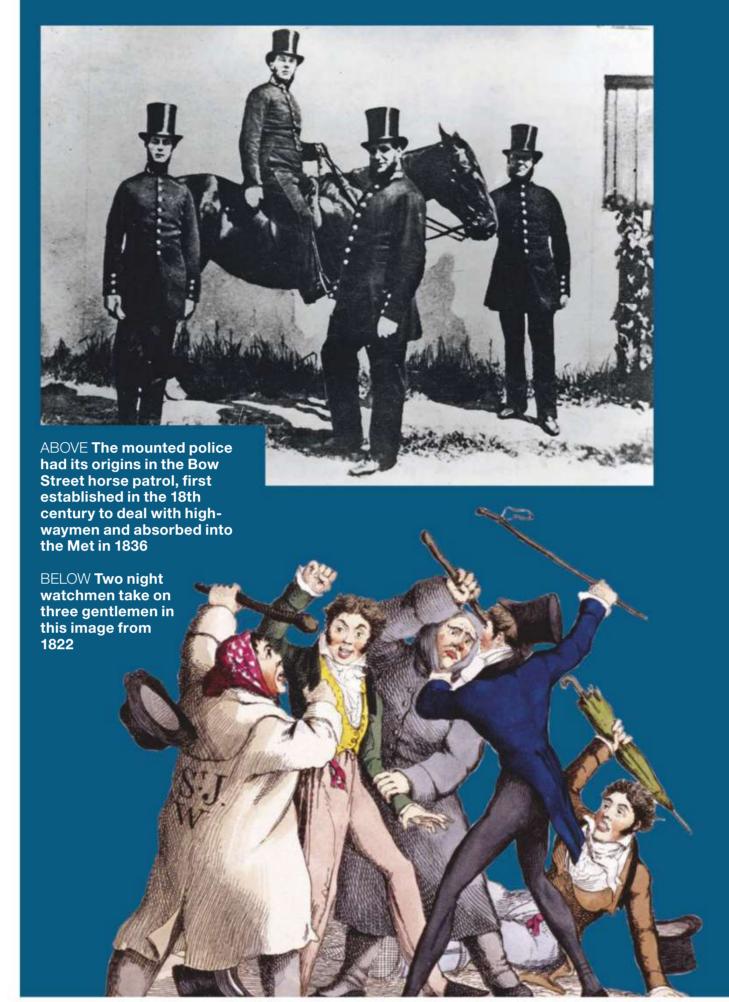
The traditional view is that the Metropolitan Police (the Met) was founded by far-sighted individuals, notably home secretary Sir Robert Peel, who was ably supported by the two men that he appointed to work side-by-side as police commissioners, Lieutenant-Colonel Charles Rowan, a Peninsular War veteran, and Richard Mayne, a young lawyer. The force was believed to be the answer to a growth of crime and disorder. This required a system of prevention superior to decrepit part-time constables and watchmen, and the tiny cluster of detectives based in the Bow Street Magistrates' Office and the half dozen similar offices established in 1792.

There are elements of truth in parts of this but also mythology and assumption. Many watchmen, for example, were neither old nor useless. Often they were former soldiers, under 40; they were tough, many were courageous, and they knew the law when it came to issuing warnings and making arrests.

There were Bow Street patrols established in the closing years of the 18th century that checked the main roads into London. The Bow Street Horse Patrol (known as 'Redbreasts' because of their waistcoats), was established early in the 19th century and walked the main roads in the city centre by day. They were reasonably competent if sometimes corrupt. The Bow Street detectives, popularly known as 'Runners' – though they preferred their formal title of Principal Officers— were highly competent, but if you wanted their services you had to pay.

#### Policing the police

Peel's new police brought uniformity across the metropolis. The police companies, as the divisions were initially called, put roughly the same amount of preventive patrolling into each district. This was a far cry from the period before 1829 when the wealthier parishes could afford and deploy more watchmen than their poorer neighbours. But many parishes resented having to pay for Metropolitan Police patrols over whom they had no control and also that these patrols sometimes put fewer men on their streets than they had known before 1829. The situation was eventually resolved with a degree of Treasury funding.

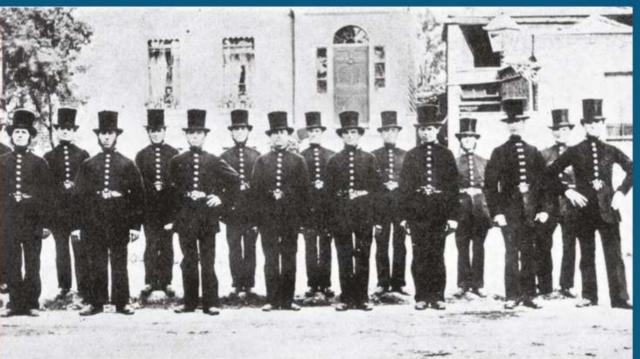


Boroughs and counties had always controlled their policing practices. The Municipal Corporations Act of 1835 required a degree of uniformity and all boroughs were expected to appoint watch committees linked to the elected local government. The watch committees oversaw their police institutions and, rather than their head constables, they had full powers for directing police activities, and for recruiting and disciplining their new police. It was not until the County and Borough Police Act of 1856, however, that the boroughs were all brought into line.

County policing also depended on the old system of parish constables. Shortly before the

The Bow Street detectives were highly competent, but if you wanted their services you had to pay





ABOVE A cartoon shows Robert Peel throwing a punch at a rabble of night watchmen. His 1829 police bill heralded a process that eventually swept the urban watchmen away LEFT The former disparate keepers of law and order were

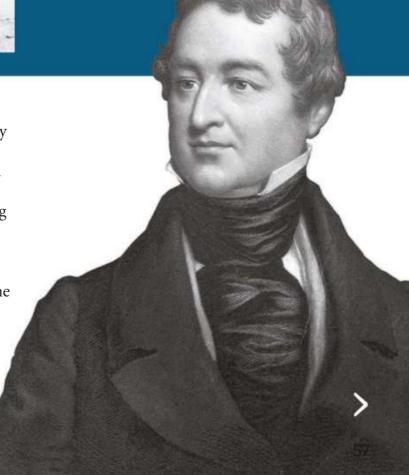
keepers of law and order were replaced by smart policemen, such as these constables at Catford police station c1850
BELOW Robert Peel, whose name gave rise to the nickname 'bobby' or 'peeler'

Metropolitan Police Act, however, the county of Cheshire had secured a private act of parliament that enabled the recruitment of a small number of semi-professional police officers, mainly for industrial districts.

In 1836 a Royal Commission was appointed to look into a rural constabulary covering the whole country, but many of the county magistrates feared a loss of independence and there was greater concern about the cost. The Royal Commission's conclusions were rejected in favour of letting county magistrates choose whether or not to establish a police for their county. Legislation enabling the creation of a county force if the magistrates wished was passed in 1839, with

amendment the following year, but just 24 counties had established a police force by the end of 1841.

In the following year legislation required all counties to draw up lists of potential parish constables, while the Superintending Constables Act of 1850, modelled on an experiment in Kent, allowed the appointment of professional superintendents to direct and supervise parish constables in the counties where no police had been established. Many counties saw this system as much preferable, principally because it was so much cheaper than the cost of a fully-fledged police force, and several counties had no



#### The police force

#### TIMELINE

On the road to a nationwide police force

#### 1829

Establishment of the Metropolitan Police.

#### 1835

The Municipal Corporations Act authorises Watch Committees for towns that are to direct their police.

#### 1836-39

A Royal Commission examines the idea of a Rural Constabulary.

#### 1839

The County Police Act (which is slightly amended in 1840) permits counties to establish their own police. This depends on a vote of the county magistrates and a significant number of counties vote to keep the old system.

#### 1842

The Parish Constables Act revises and improves the old system in the counties rejecting the 1839/40 legislation.

#### 1850

The Superintending Constables Act establishes professional officers to supervise the parish constables in the counties that continued with the old system rather than the new police.

#### 1856

The County and Borough Police Act requires every municipal borough and county to establish a police force, sweetening the pill with the promise of Treasury financing of one quarter of the costs for efficient forces. Efficiency is assessed by a new body, Her Majesty's Inspectors of Constabulary, who make an annual inspection of each force.

#### 1857

The County and Burgh Police Act ties Scottish system more closely to that of England.

#### 1863

First helmets replace top hats in the Met.

#### 1888

The Local Government Act, among other things, establishes a more formal system for county police authorities. Rather than committees made up of county magistrates there are to be Standing Joint Committees that meet quarterly, made up now half of magistrates and half of elected county councillors.



hierarchical, uniformed police institution until compelled to do so by the 1856 act. And similar legislation followed for Scotland in 1857.

Throughout the 19th century and into the 20th a high percentage of chief constables in the counties and the larger cities were former senior officers from the army, sometimes the navy, sometimes from the para-military Royal Irish Constabulary, or from the Imperial, particularly Indian, Police. These were 'gentlemen' and, more to the point, they were used to command.

The chief officers of the smallest borough forces (perhaps only around 20 men) had demonstrated ability and pulled themselves up from the lowest rank of police constable. By night they dealt with drunks and prostitutes, looked for burglars and checked doors were secure - popularly known as 'shaking hands with the door knobs'



Hard work and discipline

Most constables were drawn from the unskilled working class. Sometimes men joined to survive an economic downturn and a fall in wages, some joined thinking it might give them a career and a chance to better themselves and others seem simply to have thought it worth a try.

The discipline was harsh, which did not suit many, especially in the early years. They could not understand why they had to stick rigidly to their beat and resented being told that they must not stop in a pub or argue with their sergeant.

The job was also hard. They patrolled at a steady pace whatever the weather. By day

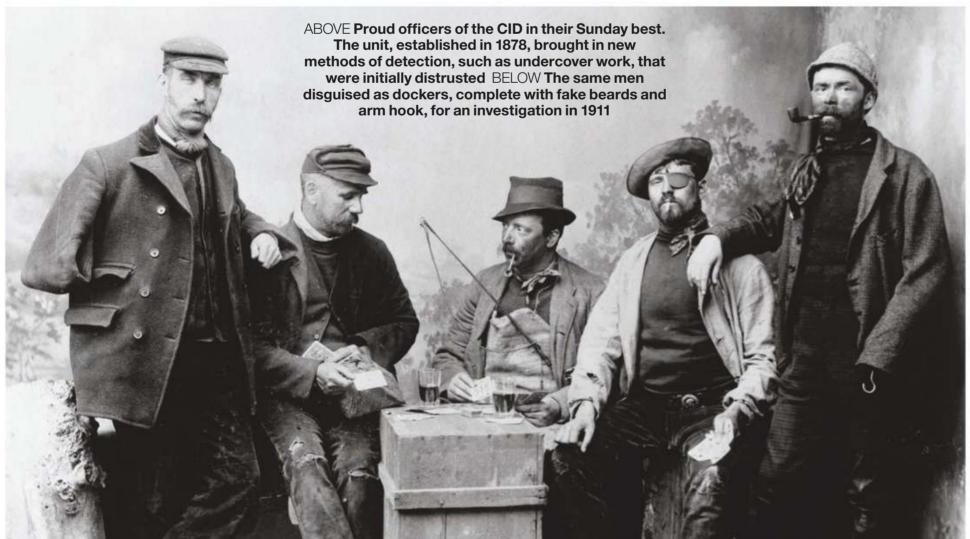
might be argumentative costermongers; by night they dealt with drunks and prostitutes, looked for burglars and checked that doors and windows were secure. This was popularly known as 'shaking hands with the door knobs'. Punishment could result if a robbery occurred because a constable had missed an open window or unlocked door.

If a policeman got into trouble with drunks or a gang he could summon support, in the early years by springing a large rattle carried by patrolling constables, and later by using his standard issue whistle. But this only worked in cities and boroughs where

If he came across trouble, a patrolling constable summoned help from colleagues using a wooden rattle - later replaced with a whistle, such as this standard issue Met example

#### The police force





MARY EVANS-METROPOLITAN POLICE AUTHORITY

there were a number of beats close together. In rural areas, and even the metropolis had rural districts, a man was on his own often with no support for miles. Rural constables rapidly found out who were the local troublemakers and dealing with them required tact, discretion and, on occasions, a strong pair of fists. Some beats acquired grim reputations as 'punishment beats' and tough officers were sent to patrol them, or men whom senior officers were keen to be rid of.

Rural officers rarely had the opportunity to socialise with their fellows, unlike urban officers working out of the same police station. Disorder, however, brought men together in order to deal with fights between supporters of different parties during elections or trouble during a strike. This might mean the police having to protect blacklegs or oversee the removal of strikers and their families from company housing.

There was also the possibility of problems when large groups of navvies, or navigators, moved into a district. These labourers were vital to building railways, bridges and roadways, but when they got paid they were feared for getting fighting drunk. In the early 1930s the Bedfordshire police solved a problem with troublesome navvies working on the A5 by getting their best fighter to face the navvies' equivalent; fortunately for the police, PC Arthur 'Old Pick' Pickering, a former soldier, was the victor.

#### Spying and prying?

Peel had envisaged a police force that would prevent crime, but after a few years a string of senior officers and magistrates were reporting to parliamentary committees that men in uniform rarely caught serious offenders. Prevention was one thing; detection was very different.

There was some suspicion about detectives in plain clothes; to many it smacked of the spying and prying which they considered a key element of European police institutions. A small detective unit had been established for the Metropolitan Police in 1840, but it was replaced in 1877 when four principal detectives were tried at the Old Bailey for participating in the Turf Fraud Scandal, a scam based on fraudulent racing tips.

The upshot was a completely new section of the Met, the Criminal Investigation Department (CID) established and initially commanded by Howard Vincent, a former army officer and journalist who enrolled in the University of Paris specifically to study French police methods.

Suspicions about detectives gradually declined, but in 1880 there was considerable disquiet over the prosecution of Thomas Titley, a

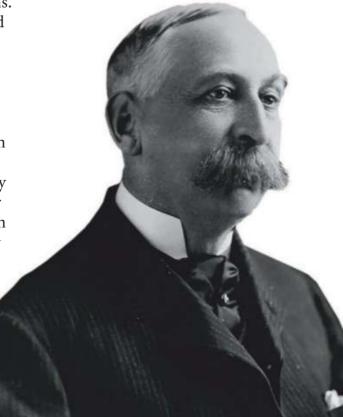
# There was some suspicion about detectives in plain clothes; to many it smacked of the spying which they considered a key element of European police institutions

pharmacist, convicted of selling abortifacients. The police were clearly provocateurs in the case. Nevertheless, by the later years of the century former detectives were beginning to find an eager reading market for their memoirs. The phenomenon was not confined to London.

One of the most popular of these detective-authors was Jerome Caminada who served in the Manchester City Police from 1868–99; he became something of a local celebrity and several years after his retirement he was elected to the city council. Detectives, however, were few in numbers and well into the 20th century there were chief constables who insisted that they were not necessary, especially in county forces, as rural constables should detect as well as prevent.

At the end of the 19th century senior police officers, politicians and others in

Howard Vincent, who was inspired by the detective system of Paris, founded and initially commanded the CID



Britain commonly spoke of their police as being 'the best in the world'. There was no clear explanation of precisely what was meant by the term 'best'. It seems to have been that the police were characterised by being non-military and by patrolling unarmed, and in addition that the force was non-political. When these qualities are investigated closely, however, there are problems with each.

Technically the force may have been non-military, but besides the large number of military men in senior ranks, as mentioned earlier, a large number of men were recruited having served in the armed forces, and discipline remained tough. Although guns were not carried as a rule and nor were cutlasses, they were always available. Cutlasses were sometimes issued to deal with riots and following a spate of armed burglaries in London in the 1880s a few men were allowed to carry revolvers. Finally, with reference to political policing, watch committees could, and did give direct orders about priorities to their chief constables. In addition, some of the policing by Special Branch, the political division of the CID, was highly political and directed towards anyone with radical or unconventional ideas.

At the outbreak of the First World War there were more than 200 separate police forces in Britain. The war reduced the number and brought the forces closer to the Home Office, slightly loosening their links to urban watch committees and the Standing Joint Committees, which were made up equally of magistrates and elected county councillors. Immediately after the war, however, members of the Home Office began to worry that the British police were being left behind in their training of detectives, their supervision of the fast-growing motor traffic on the roads, and the leadership of the police.

New legislation was passed and changes made in the interwar years, but the reduction of separate police forces had to await the Second World War and, particularly, the 1960s and 1970s. The single beat officer continued to be the mainstay of the police until roughly the same time, but since then change has been rapid.

A growing population, the spread of towns and cities and the increasing use of private motor vehicles have prompted the reduction of this kind of patrol and, arguably, has replaced the preventive foot patrol with a fire-brigade response.

Clive Emsley is emeritus professor, Open University. His latest book is *Exporting British Policing during the Second World War* (Bloomsbury Academic, 2017)

## THE VICTORIAN THE VICTORIAN THE VICTORIAN

If you died young in a 19th-century slum, there was a good chance that your body would be sold for medical research. The trade in corpses was a shadowy one but, asks **Elizabeth T Hurren**, where would modern medicine be without it?

ohn Unsworth was an ordinary office clerk, who plied his trade in the City of London. In 1834, he had a run of bad luck in the financial markets. This was far from uncommon at the time, yet John was crippled by the shame of his spiralling debt. Before long, he had concluded that there was only one way to avoid the ignominy of debtor's prison: commit suicide.

John stole some petty household goods and pawned them, using the money to hire a room at a lodging house near Smithfield market. He then bought a phial of opium from a local apothecary, swallowed it, and hoped to die alone, from poison.

Unfortunately the dose was not, at first, strong enough to kill him. His landlady and her servant found John frothing at the mouth in excruciating pain. They ran for a local doctor, who rushed John across to St Bartholomew's Hospital as an emergency admission. But it was too late.

At his death, nobody knew John's real name, as he'd been using an alias. There was no family to claim his body for burial, so he was sold on for anatomy by a body dealer and dissected over the next 48 hours.

The St Bartholomew's anatomist noted in the dissection register that John was "cut to his extremities... a useful teaching tool". His human material was then sewn together into a cotton sheet for burial. Normally this would have been in a large public grave, where corpses were covered in lime and earth, usually six deep. But on this occasion, John's friends saw a coroner's notice in the London newspapers and came to collect the body for burial. They carried it through the streets, shoulder-high, in a basic coffin made of cheap deal-wood (pine). Cheapside parish churchyard was to be its final resting place.

The story of John Unsworth's death and dissection is a sad, even a grisly one, but it was far from unique. In the 19th century, thousands of corpses – bodies that had belonged to living, breathing people just a few hours earlier – were spirited away from workhouses, undertakers and coroners to local medical institutions to go under an anatomist's lancet.

The trade in dead bodies in Victorian Britain was large and highly lucrative. Driving it was a six-fold increase in the number of doctors in training in the second half of the century. To qualify in medicine, under the Medical Act in 1858 and its extension in 1885–86, each trainee doctor had to dissect two bodies in a two-year teaching-cycle. These students needed human material before they could register

with the General Medical Council, and most were prepared to pay for extra bodies and body parts to qualify quicker and start earning back their expensive tuition fees.

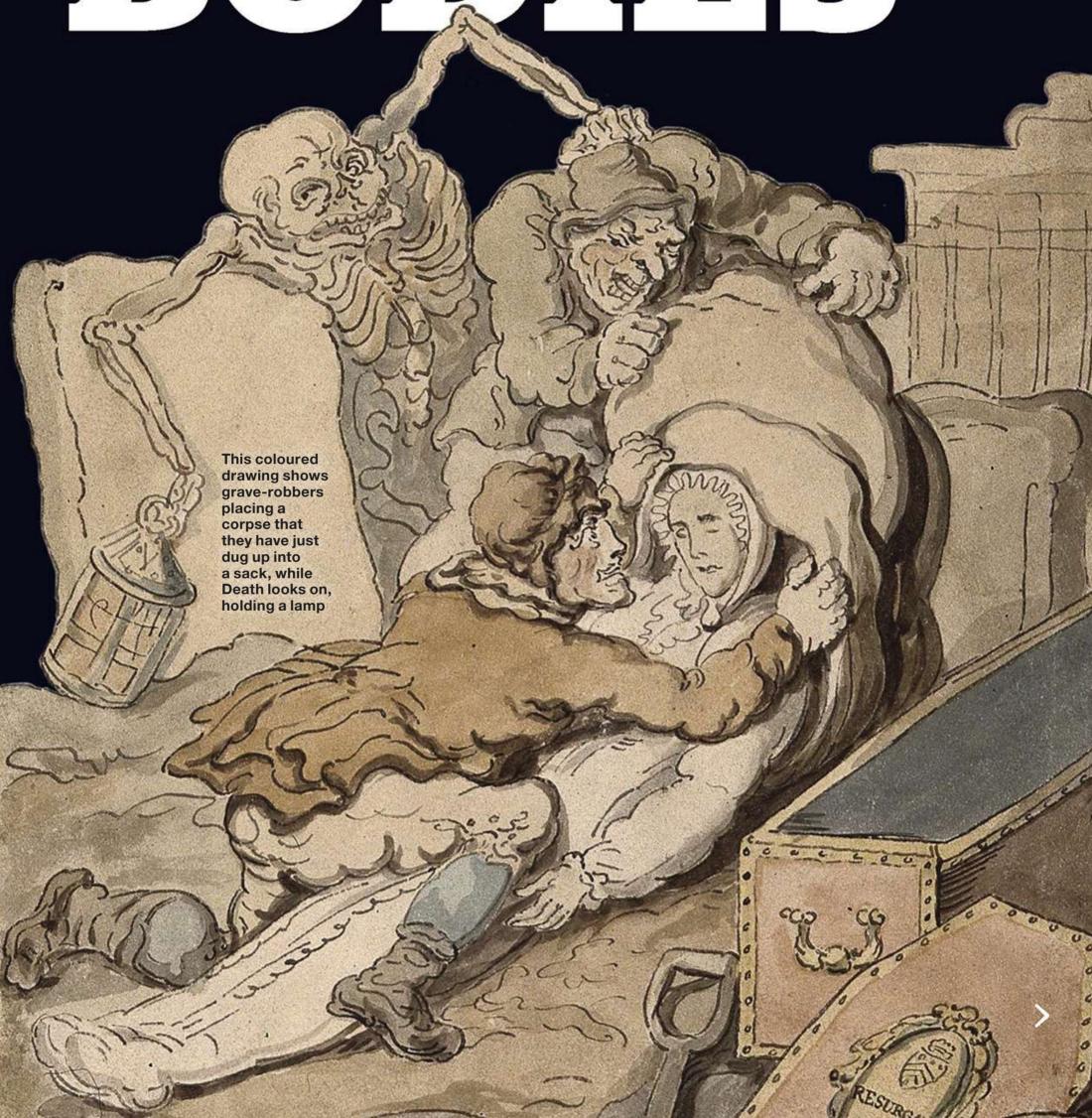
#### **Shadowy figures**

Where there's a demand for a commodity, there's always someone willing to meet it. In this case, it was a network of body-dealers that stretched across London and out into the provinces. These shadowy figures made their money by sourcing and selling corpses that, in most cases, were unclaimed either because the deceased had no known relatives, or their relatives were too poor to pay for a pauper's funeral.

In total, English medical schools traded some 125,000 bodies between the Anatomy Act in 1832 – passed to help meet a shortfall in bodies for medical training by the Victorians – and 1930, when the workhouse system was abolished. That's not to mention another 125,000 financial transactions in that same period involving body parts – it was more profitable to break up a body than to sell it complete.

Although the trade in dead bodies was secretive, it has been possible to retrace its economics, demography, mortality trends and the geographical reach of its trading networks.

# TRADEIN BODIES





We know that all of London's major teaching hospitals employed body-dealers. At St Bartholomew's Hospital, each night the porters would leave large wicker laundry-baskets on wheels under the King Henry VIII gate opposite Smithfield market. These would be picked up by people who looked like they were collecting soiled bedclothes for laundering. In reality, however, they were body-dealers who walked the streets of the poorest districts after dusk buying the dead.

is the equivalent of the unknown soldier.

complete hands-on experience. In the history of medicine, the body on the table

The register records that John was "cut to his extremities... a useful teaching tool"

The dealers would place the bodies in the laundry basket under the soiled sheets. With common diseases like tuberculosis rife in the East End slums, most of the baskets were filled by morning.

So how much money did the dealers have to part with to buy a body? That depended on the type of corpse they were procuring. Medical students preferred to dissect young bodies whose tissue was least affected by the degenerative changes of old age.

So while a week's wage would secure the body of an older person with an interesting anatomy (who perhaps had a specific cancer or an enlarged heart), a month's wage would



be required for someone aged 30 or less. Pregnant women, her stillbirths, or young infants would cost more still – up to a year's wage, in some cases. That's because, with childbed fever (a sepsis womb infection) being one of the biggest killers of new mothers in the 19th century, anatomists were eager to do further research on miscarriages or abnormalities in childbirth.

#### **Pauper tales**

St Bartholomew's records show that prostitutes, servants and the dispossessed living in overcrowded lodging houses were the staple of the dissection room and that,



between 1832 and 1930, they accounted for over 6,000 dissected bodies.

Paupers were aware of, and prepared to protest about, the trade in body parts. Yet historians of medicine have tended to neglect the thousands of letters of complaint that the poorest members of society wrote on the topic to local Poor Law officials or civil servants at the Local Government Board in London.

Despite the shroud of secrecy that enveloped the trade, body-dealers weren't able to completely avoid the limelight – in fact, a number of court cases were prosecuted at the Old Bailey. One of the best-documented involved Mr Alfred Feist, master of St Mary's Newington workhouse in south London, who, in 1858, was accused of profiting from "63 counts... of selling bodies" and "other dealings".

The testimony in court uncovered how an average body-dealer ran a business of anatomy from the dead-house at the back of a typical workhouse. When a pauper died, their relatives were invited to briefly view the body, laid out in a parish coffin. At a pauper funeral, the bereaved each had to pay a fee of 1s 6d to the Poor Law undertaker. He then chalked the pauper's name on the coffin and then quietly alerted the master to a potential anatomy sale. If the deceased was aged less than 50, then the corpse was sold on.

In the case of St Mary's Newington, bodies were sold for dissection to the medical school at Guy's Hospital. Albert Feist saw to it that the young body in the coffin was swapped for an older corpse, before staging a false funeral.

Feist was found guilty of profiteering – he made about 21 guineas a year – but got off on appeal on a legal technicality. The Anatomy Inspectorate always closed ranks to protect the business.

#### The dead-train

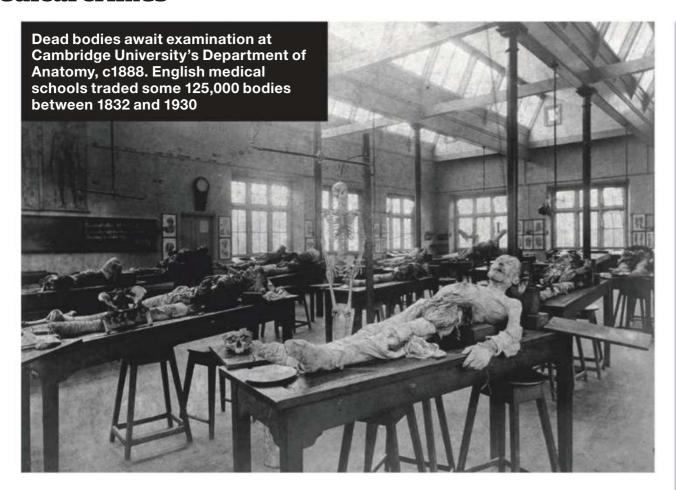
Hospitals weren't the only grand institutions stoking the trade in dead bodies in the Victorian era. The universities of Cambridge, Oxford and Manchester bought corpses in large numbers too but, whereas hospitals tended to buy bodies from local slums, universities often sourced theirs from further afield.

Cambridge University, for example, bought bodies from Hull, a port city blighted by epidemics connected to poor sanitation. Yet this presented Cambridge with a dilemma: how, in the days before refrigeration, could it move rotting corpses over a distance of 100 miles at speed? The answer was the 'dead-train', a twice-weekly, high-speed service that ran from Hull to Cambridge railway station via Leeds.

The corpses made the journey in the train's rear freight-carriages. Each one was placed in a double 'dead-box' made of two layers of elm (waterproof case) and pine (cheap lining) wood to prevent body-fluids from leaking. Usually the cargo was loaded up late at night and unpacked once passengers had disembarked in the morning. The human material was then taken in an undertaker's carriage to the anatomy school in central Cambridge.

Today, family historians are often unable to trace an ancestor because they have unaccountably disappeared from local records. This is often because they were one of those dead bodies dispatched on railways to be dissected and buried on location.

That this was a thriving trade is proved by the fact that around 3,500 dissected paupers from the north of England and East Anglia were buried in large common graves in one cemetery alone – Mill Road in central Cambridge – between 1858 and 1914. This is another grisly statistic in the history of the



trade of body parts, but before condemning our forebears' conduct, we should consider this: on 29 February 1896 the British Medical Journal published one of the world's first skiagraphs of a child (shown below). Skiagraphs – now better known as x-rays – were being trialled in a laboratory hut at Cambridge University. Today it is worth recalling that this technology has not only benefited countless millions of people around the world, but that it was an x-ray diffraction taken by Rosalind Franklin in 1951 that enabled James Watson and Francis Crick (both based at Cambridge) to recognise the double helix-shape of DNA.

The uncomfortable truth behind this story of great advances in the field of medicine is that Cambridge anatomists often supplied cadavers for experimental skiagraphs. Because the technology was shaky and it was important to get a stable image, it made sense to use a dead pauper for skiagraphing before dissection. And, because small human trunks were easier to photograph than adult ones, that dead body often belonged to a child. It is compelling to think that the imagery

created from a young pauper in 1896 – just one example of many scientific breakthroughs connected to dissections – has contributed to everyone's medical future in the genome era.

Examining the Victorian body trade can produce thought-provoking

One of the world's first skiagraphs, taken using the body of a three-month-old pauper, in 1896. X-ray technology has since benefited countless millions of people

#### Today, unscrupulous dealers trade organs, limbs and tissue culture on the internet

historical parallels. When you are hungry, have a family to feed, and are living in abject poverty, sometimes a human body is all you have left to sell. It is easy to forget just how demeaning poverty can be for a friendless servant, a prostitute on the streets, or a disabled person. This was the case for those that supplied the anatomy business in Victorian England, and continues to be so in socially disadvantaged parts of the world today.

Whereas in the 19th century, the unscrupulous dealers hid corpses in

laundry baskets, today they trade organs, limbs and tissue culture on the internet.

Harvesting the human body has always been a material fact of life. This human dilemma has to be set in its proper historical context so that we can engage together in a dialogue of consensual medical

> ethics that works with real-life lessons we've learnt from the past.

If in the future you ever need an x-ray, or

#### Dealing with the dead today

In 2005 the **Human Tissue Act** finally repealed the **Anatomy Act of 1832**, which was passed in order to help meet a shortfall in bodies for medical training by the Victorians. Today nobody can be dissected without the written consent of their living relatives or by a solicitor preparing a living will for someone who wishes to donate their body to medical science.

Human cadavers cannot be used for anatomical education, transplant surgery or scientific research without a post-mortem schedule overseen by the Human Tissue Authority.

This legal correction of medical ethics followed public revulsion when **Sir Liam Donaldson** (the chief medical officer responsible for investigating the Liverpool Alder Hey scandal) announced in February 2001 that 105,000 organs, body parts and fetuses had been retained in 210 English NHS Trusts and medical schools. Of those 210, around 25 leading institutions accounted for nearly 90 per cent of the body parts retained. **Donaldson found that over 16,000** 

organs had been kept illegally.

Michael Redfern QC specifically discovered that at Alder Hey children's hospital pathology organs were stockpiled for processing as clinical waste between 1970 and 1990.

These official disclosures raised important historical and moral questions. Not least, how is it that some doctors assumed the legal right to simply do what they wanted with the dead?

tissue culture treatment in a burns unit, or are reassured by your doctor explaining how your body works, then you too are a direct beneficiary of the 300,000 or so dissections that were performed during the reign of Queen Victoria.

Science has needed the nameless and the friendless to help us all get where we are today in modern medicine.

**Dr Elizabeth T Hurren** is a reader in the medical humanities in the School of Historical Studies, the University of Leicester

#### DISCOVER MORE

#### воок

➤ Dying for Victorian Medicine: English Anatomy and its Trade in the Dead Poor, 1834–1929 by Dr Elizabeth T Hurren (Palgrave, 2012)

# THE RIPPER OF OUR NIGHTIMARES

The killer was an immigrant...
a doctor... a mad midwife...
Queen Victoria's grandson.
Anne-Marie Kilday and
David Nash consider what five
theories about Jack the Ripper's
identity can tell us about
society's greatest fears over
the past 130 years

#### **O** Outcast Rippers

The Whitechapel killings awoke fears of the predatory immigrant

Between August and November 1888, five women were murdered and mutilated in the warren of streets that made up Whitechapel in London's East End, some with their throats cut, faces slashed and organs removed.

Even from a distance of 130 years, the bare facts of the Jack the Ripper killings make for unsettling reading. But for the residents of the Victorian capital, the case was far more visceral. In their midst was a criminal, or group of criminals, capable of committing the most gruesome of crimes. The question at the front, centre and back of Londoners' minds was: who was responsible? And the answers they came up with give us an insight into popular fears at the time and for subsequent generations.

Given the sheer brutality of the crimes, it was perhaps inevitable that many Britons concluded that they must be the work of an evil that had entered Victorian society from the outside. This meant that a number of marginal figures from London's ethnic

minorities found themselves in the frame. Both Michael Ostrog, a Russian, and Aaron Kosminski, a Polish Jew, were cited as suspects in a contemporary memorandum penned by the Metropolitan Police chief constable Melville Macnaghten. Ostrog had lived a precarious life as a thief and confidence trickster before winding up in the south of England in 1888, where his latest appearance in court was notable for him displaying signs of insanity.

Aaron Kosminski was also described as insane – and as a misogynist – and had been confined to an asylum. He

When it came out that Levy was a butcher, skilled in the slaughter of animals, his fate as a suspect was sealed strongly resembled a man seen near Mitre Square, the scene of one of the murders – that of Catherine Eddowes – on 30 September 1888.

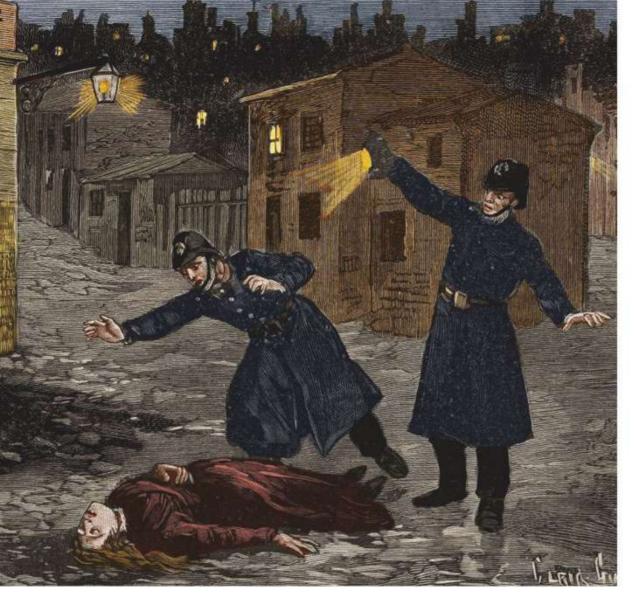
Kosminski wasn't the only Jew to arouse suspicions. Jacob Levy was also placed by witnesses at Mitre Square and was apparently seen with Eddowes on the night she died. When it was revealed that Levy was a Spitalfields butcher, skilled in the ritual slaughter of animals, his fate as a Ripper suspect was sealed.

Suspicions that one of Ostrog, Kosminski or Levy was the culprit may well have been justified. But there's little doubt that the men were also victims of a wave of prejudice that had been precipitated by the influx of thousands of Eastern Europeans into London in the early 1880s, fleeing persecution in their native lands. Their arrival brought to the surface widespread fears of the predatory 'outsider', a stereotype that the police – and even government officials – found hard to resist.



BRIDGEMA

Members of London's Jewish community in the early 20th century. The arrival of thousands of eastern European immigrants into London's East End in the 1870s and 1880s triggered a wave of resentment and suspicion



Police discover the body of one of Jack the Ripper's victims in an illustration from the French newspaper Le Petit Parisien, 1891

#### 2 The Ripper under your nose

It wasn't long before suspicion for the killings fell on members of a 'dangerous' underclass

It's impossible to separate the Jack the Ripper murders from the district in which they were committed. Whitechapel was remarkably small, densely populated, overcrowded and submerged in poverty. It was a magnet for prostitutes driven to their profession by destitution. And, in popular fears at least, it provided the perfect backdrop for diabolical crimes committed by the desperate and dangerous - an underclass who could strike anyone from frighteningly close proximity.

The theory that the killings were the work of a local man - a criminal with a good knowledge of the labyrinthine streets of Whitechapel - has long proved an attractive one. And modern crime mapping techniques suggest that the theory may have some merit.

Local men certainly feature prominently in the rollcall of suspects. One such was Joseph Barnett, born and raised in Whitechapel, and a Billingsgate fish porter. He was the erstwhile boyfriend of Ripper victim Mary-Jane Kelly (whose mutilated body was found in her bed on 9 November 1885) and was

supposedly unhappy that Kelly was a prostitute. It's been alleged that Barnett killed other prostitutes as a means of warning his girlfriend off that occupation and, when she failed to take the hint, murdered her too.

Charles Allen Lechmere was a local meat-cart driver who discovered the body of Polly Nichols in a street called Buck's Row on 31 August. Recent research has shown that, in his statement to police, Lechmere gave a false name: Charles Cross. Lechmere's working route passed several Ripper murder sites, and the other victims were killed near to where he or his mother lived. What's more. Elizabeth Stride and Catherine Eddowes were both murdered on 30 September 1888 (in the so-called 'double event') -Lechmere's first night off work for months.

Another Whitehall resident, David Cohen, has long aroused suspicion - not just for regular displays of violent tendencies towards women but also because his incarceration in Colney Hatch Lunatic Asylum coincided with the cessation of the murders.

#### 3 The royal Ripper

Why Queen Victoria's grandson found himself in the frame

What if Jack the Ripper wasn't a predatory and solitary killer? What if his crimes were the cold and calculated act of a collective conspiracy? Such fears often surface at times when the establishment's reputation is being called into question. This is exactly what happened during the counter-cultural 1960s and 1970s, which saw government ministers being disgraced in the Profumo and Lord Lambton affairs, as well as a growing suspicion of the power of secretive organisations with links to local government and the police.

Given this climate of distrust, it's hardly surprising that a number of theories emerged during this period linking the Jack the Ripper killings to some of the most powerful figures of the late Victorian era among them members of the royal family. Queen Victoria's grandson, 'Eddy', the Duke of Clarence and Avondale, has long proved a fruitful suspect. One theory has it that in the second half of 1888, the famously dissolute prince was seized by a syphilisinduced psychosis that led him to murder the five Ripper victims.

A second theory – that Eddy's crimes precipitated an elaborate cover-up - proved equally alluring. In this version of events, Eddy ran away to the East End, where he married a Catholic woman Annie Crook and fathered a child with her. Faced with a scandal that could potentially bring down the monarchy, shadowy establishment figures forcibly split up the couple and masterminded the elimination of the five female acquaintances who knew the truth.

As it would have required the involvement of stealthy agents of clandestine power, the theory that the establishment engineered a cover-up spoke to popular prejudices about secretive organisations such as the Freemasons. It also enabled macabre (and sensational) ritualised activities, performed in the act of murdering each of the five women, to be woven into the conspiracy.



#### **4** The medical Ripper

Many Britons were all too willing to believe that a doctor had blood on his hands

They moved freely about the urban underworld. Their professional need for corpses stimulated a vibrant clandestine market in dead bodies for dissection. And their callous treatment of defenceless female patients - especially the forced examination of prostitutes had made them popular folk devils. Doctors may enjoy a healthy reputation today, but in the 1880s, many Britons were all too receptive to accusations that the Ripper was drawn from their ranks.

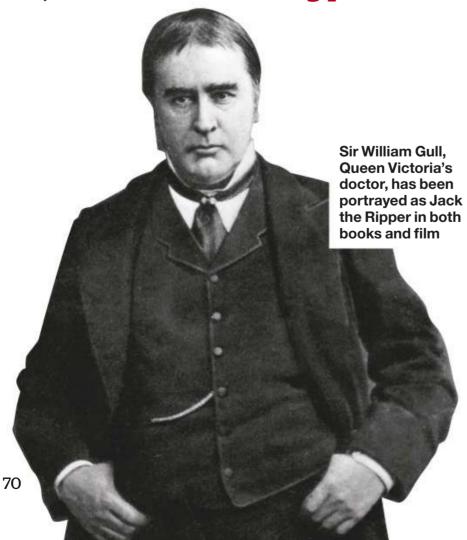
One of the first medics to come under suspicion was Dr D'Onston Stephenson. He was believed to have contracted venereal disease from prostitutes and to be a Satanist – giving him the perfect motive for removing his victims' internal organs. Stephenson was also a magician, which served to explain his regular escape from detection.

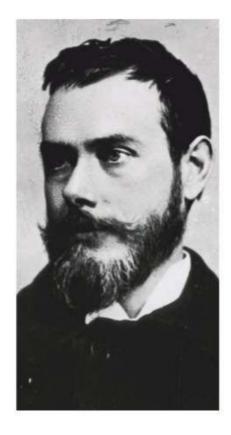
The American quackdoctor Francis Tumblety was named as a suspect by one senior Victorian policeman – and, given that Tumblety was a violent misogynist with a penchant for collecting body parts, that's hardly a surprise.

Queen Victoria's surgeon Sir William Gull, who had been close to the monarchy since the early 1870s, has also been cited as a Ripper suspect, either as a lone assailant or as part of a wider conspiracy.

In the years since the Ripper case, the healer turned murderer narrative has been culturally reinforced in the popular mind by the cases of Dr Crippen and Dr Harold Shipman.

He was a violent misogynist with an unstable personality and a penchant for collecting body parts







Murderers most foul? The poet Francis Thompson (left) and author Lewis Carroll have both been posited as possible Jack the Rippers

#### **6** Outlandish Rippers

Why no theory is too eccentric in the hunt for the Whitechapel murderer

Perhaps nothing better reflects society's evolving obsession with Jack the Ripper than the rise of the 'Ripperologist', the individual who has made it their mission to provide the 'definitive solution' to the murders.

Ripperologists often go to extraordinary lengths in search of originality in what is a crowded field. This has meant that practically anyone with a pulse and the merest hint of eccentricity, who lived in and around London in 1888, has come under suspicion for the crimes. However, some have been more 'suspect' than others.

Francis Thompson, a poet with radical religious views, has been posited as the killer because the crimes were all committed on Catholic saints' days. This theory is hamstrung by the fact that, according to the religious calendar, most days celebrate the death of one particular Catholic martyr or another.

In 1939, the author William Stewart suggested that we should be looking for a 'Jill the Ripper', most likely a bloodthirsty, mad midwife. Stewart wasn't the first person to posit this theory: Frederick Abberline, an inspector for the Met at the time of the killings, had

suggested that the murderer could be a woman after a witness reported seeing a female figure leaving Mary-Jane Kelly's residence. However, he concluded that it was more likely that the killer dressed in women's clothes as a way of pacifying potential victims.

In 1996, the author Richard Wallace suggested that Jack the Ripper was none other than Lewis Carroll, on the basis that the world-famous novelist left anagrams in his novels confessing to the killing spree in 1888.

Of course, the poetic licence and exposure these more eccentric theories have enjoyed has only been possible because, in the case of the Jack the Ripper murders, so few hard facts exist.

Professor Anne-Marie Kilday and Professor David Nash both teach about Jack the Ripper and the Victorian Underworld at Oxford Brookes University

#### DISCOVER MORE

#### **LISTEN AGAIN**

► To listen to a BBC World Service Omnibus documentary on **Jack the Ripper**, go to bbc.co.uk/programmes/p0376jk0

GELLYIMAGES

### INTERVIEW



#### **KATE SUMMERSCALE**

"This is a hopeful story – albeit about as terrible a crime as we can imagine"

Kate Summerscale talks to **Matt Elton** about her book exploring a case that shocked Victorian England – a young boy's murder of his mother – and its echoes in 21st-century fears

#### PROFILE KATESUMMERSCALE

A graduate of the University of Oxford and Stanford University, Summerscale worked at various newspapers until she left her job as literary editor of the *Daily Telegraph* to write *The Suspicions of Mr Whicher, or The Murder at Road Hill House* (Bloomsbury, 2008), which won the Samuel Johnson Prize for non-fiction and was later adapted for television.

#### What is the case that your book follows, and why did it interest you?

The book follows the story of two boys: Robert Coombes, who was 13 years old, and his 12-year-old brother, Nathaniel. In the summer of 1895 they were seen wandering around east London, and said that their mother had gone to visit family in Liverpool; their father was away at sea. After 10 days an unpleasant smell began to emanate from the house, and neighbours became uneasy.

The boys' aunt burst in and discovered their mother's body decomposing upstairs. She called the police; Robert confessed to stabbing his mother, and the boys were arrested. There were hearings and inquests through the summer, and a trial at the Old Bailey in September. Nattie was discharged before the trial, and gave evidence that Robert had killed their mother, which I'm sure was a painful experience for them both.

It seemed a strange and terrible thing that one or both boys had done, so I wanted to find out if Robert *was* guilty – and, if so, why.

#### How do you explain the boys' actions in the 10 days between the murder and the body being discovered?

After killing their mother, the boys were the only people in the world who knew of the act – and they *did* both know what had happened even if, as it turns out, Robert was the one to actually do it. It was as if they felt that their actions were imagined rather than real, and I think that they went into a fantasy state together during those 10 days. They seemed normal: they played in the street, went fishing, watched the cricket at Lords; very innocent, late-Victorian pursuits. It felt to me like a period of play, or holiday, rather than anything cynical. They didn't try to hide or escape, and the way they talked about what they had done sounded as if they were in a state of suspended disbelief.

Indeed, the fact they didn't do anything to stop the body rotting meant it was inevitable that they would be found out. When the body *was* discovered, I have a feeling that Robert experienced a kind of relief.

#### How did the press and public regard the boys as the hearings unfolded?

In early court hearings Robert seemed indifferent, almost callous: interested in

what was going on but not upset or remorseful. He turned himself out very well, in his best clothes, whereas Nattie was dressed more childishly. The younger boy was much smaller, even though there was only a year between them, and he often quivered and sobbed. Whether because he was good at presenting himself in a more pitiable state, or because he was more vulnerable and unguarded, Nattie seemed like a child while Robert seemed to be a smart young man.

During the first few court appearances at which the press were able to observe him, Robert seemed self-possessed and rather pleased with himself. But during the trial at the Old Bailey, he started making faces, laughing to himself and acting in a very manic way. The press at the time interpreted this in various ways: some reporters wrote disgustedly that he was a psychopath who couldn't care less and was mocking the court, while others thought he was insane. At the trial, his counsel pleaded insanity – and some commentators wondered if, unable to maintain a veneer of coolness and sophistication, Robert's madness was coming out in the courtroom.

#### What do you think media coverage of the case tells us about the period?

Strange and extreme cases such as this are often fascinating for what they reveal about how people thought about themselves and their society. There was no longer the idea that the boys had been possessed by the devil, as there might have been a century earlier. The equivalent – following Darwinian theories that humans evolved from less 'advanced' creatures – was that the boys had degenerated to an atavistic, primitive state.

In such extreme cases commentators often latched on to the explanation that, particularly among the urban poor, there

"During the trial, Robert began making faces, laughing to himself and acting in a very manic way" were 'throwbacks' to that earlier period, and that madness, depravity and delinquency could arise from a disease inherited from primitive times.

#### Are there any parallels with 21stcentury scares about children?

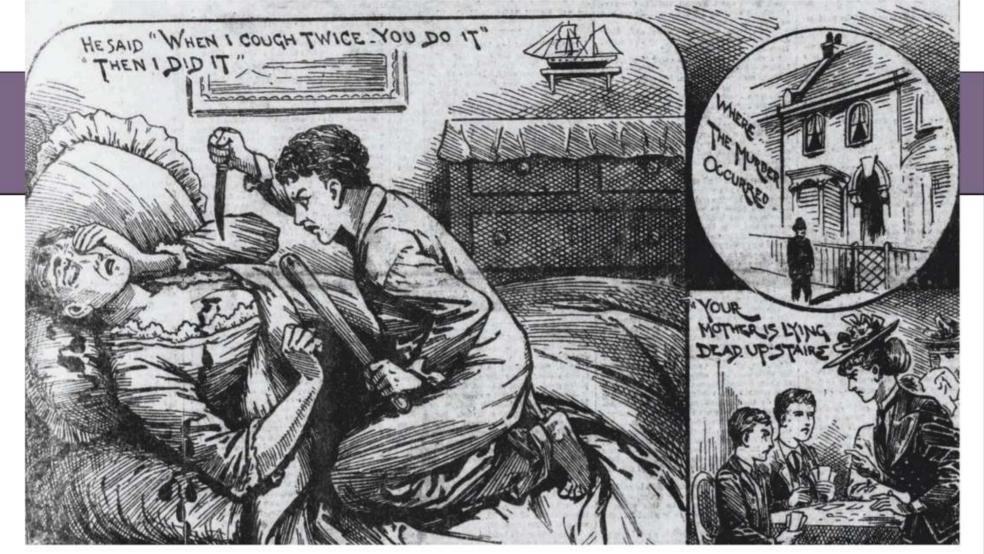
This case *did* seem reminiscent of more recent events, especially the link that was made between the crime and some sensational magazines the police found in the boys' house. Many people ascribed Robert's attack on his mother to his consumption of these so-called 'penny dreadfuls'. The police gave the magazines to the coroners' court as evidence, and the inquest jury thought that the government should take steps to stop their publication.

This reminded me of cases in my lifetime in which commentators suggested links between crimes committed by children or adolescents and the violent 'video nasty' films they had watched or the video games they had played. There seems to be a continuing sense that excessive consumption of certain forms of popular culture can have a warping or criminalising effect on the young, so it was really interesting to read how people thought 'penny dreadfuls' had corrupted the boys. In a way, it was a template for the arguments that followed in the 20th and 21st century about comics, video games and violent films.

The other thing about 'penny dreadfuls' is that, because they originally cost a penny, they were widely available to the working classes. There was a sense that the character of the nation's working-class youth was being shaped by these magazines, and a real terror about where that might take society.

#### When researching this book, how hard was it to separate truth from fiction?

With a crime like this, the people in the story are quite likely to distort the facts in order to favour themselves and their own accounts. This applies to everyone: friends of the mother would tell the story through a lens, friends of the father would tell it so that he didn't look like a bad father, and so on. So I had to read everything sceptically, but without losing sight of the fact that these are the best possible witnesses and that I didn't know anything better than them.



Robert Coombes murders his mother, as depicted in the *Illustrated Police News*, 27 July 1895. "Some reporters wrote that Robert was a psychopath who couldn't care less; others thought he was insane," says Kate Summerscale, whose book explores the case

### What is your impression of the boys' mother and her relationship with them?

There was not much exploration of the mother's character or her relationship with the boys – partly because, whatever her quirks of character, it was wrong to speak ill of the dead, particularly a murdered mother.

But it was also because ideas that we have today – about how what happens in a family can create tensions that may lead to violence – were not as much explored. Experts of the time were looking for an illness in Robert, not a difficult relationship with his mother.

The clues I discovered during my research led me to think that she was a loving and affectionate person, and probably a doting mother, but quite mentally unstable. People described her as hysterical, and prone to laugh and cry at the same time. I think we would now describe her as having mental health problems.

There was also the fact that the murder, by the boys' own account, was provoked by a beating that she gave Nattie. Robert said that she had thrown knives at her younger son and threatened to kill him by sticking a hatchet in his head. All of that sounded to me to be beyond the normal correction that a Victorian parent would deliver. I think that she may have been quite an unstable and perhaps rather frightening mother.

This case was commented on very widely, but I found only one source that wondered what had been going on in the boys' house. A magazine called *The Child's Guardian*, published by the National Society for the Prevention of Cruelty to Children, wrote that there could be brutality even in the most respectable families, and that brutality breeds brutality. They were hinting heavily that there had been domestic violence in the house and that the mother had been violent to her sons. I found it interesting that, even if this wasn't an idea that existed widely, it was at least a thought that people *could* have.

#### So what was the outcome of the trial?

In the end the jury came in with a verdict of guilty, but with a recommendation for mercy on account of Robert's age, and because they said that they didn't think he really understood what he'd done. But the hardline judge wouldn't accept that result, so sent the jury back to find a verdict of either guilty or guilty but insane – and they decided on the latter. That meant that Robert wouldn't go to prison, but would be held in a lunatic asylum for 'as long as the queen wished'.

#### Did the verdict make the public and commentators reconsider the crime?

Most of the newspaper commentators of the time didn't believe that Robert was insane, nor that the jury or judge thought he was insane. Hardly anyone thought that he was crazy. What they *did* think was that this was a fair verdict because it was a way of showing Robert mercy due to his youth.

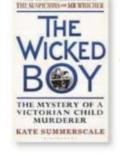
Because the law applied to him as much as it would have to an adult, the jury had taken it on themselves to find a loophole by which they could spare him the gallows or the full blame – to deliver a verdict that acknowledged his inability to have full responsibility for his actions. In effect they were ascribing Robert's crime to youth and, arguably, emotional disturbance rather than clinical madness.

#### How would you like this book to alter readers' views of cases such as this?

I think that, in many ways, we are not so different today in how we think about children and young people who do dreadful things. For me, it's a really enlightening and humanising exercise to look at cases such as this at a distance, to examine the ways people could think of them at the time, and to test our own ideas against them – including ideas about the influence of popular culture on young people.

This incident tells us something about the terrible things people can do while not being terrible people, or even becoming terrible people as a result. I found it quite a hopeful story in a way – even though from

the start it was about as terrible a crime as people can imagine.



The Wicked Boy: The Mystery of a Victorian Child Murderer by Kate Summerscale (Bloomsbury, 2016)

#### • EYE OPENER

#### **MUG SHOTS**

As early as the 1840s some local police forces began to photograph prisoners

– to identify habitual offenders and deter future crimes. With the 1871 Prevention of Crimes Act, it became mandatory for police to keep a register of every person convicted of a crime. Besides a photo, each entry included a description height, hair, eyes, complexion - date of birth, crime, sentence and address. This set is from Wormwood Scrubs prison register c1890. The criminals hold up their hands to show identifying features, such as tattoos or missing fingers, and a mirror captures their profile. Such registers became the foundation of the Criminal Records Office, and in the early 20th century fingerprints were added.



















#### The pillory



Titus Oates was one of the pillory's more infamous inhabitants for fabricating a papal plot in 1678. He narrowly escaped with his life from a missile-hurling mob

# PUNISHMENT INTHE PILLORY

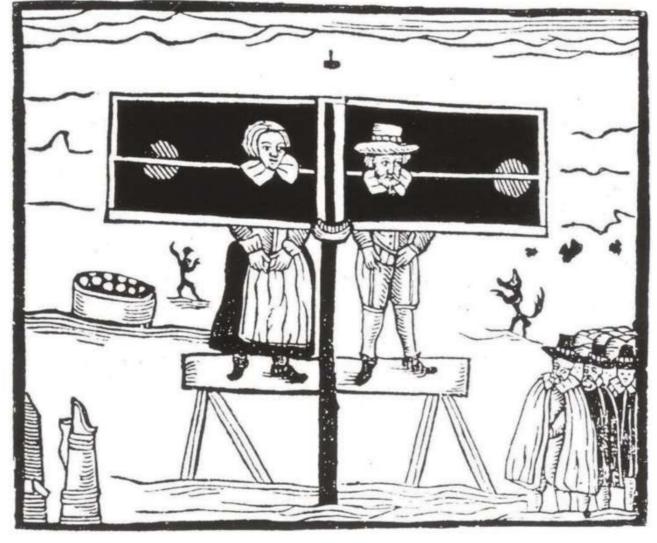
Public humiliation was a feared reprisal in 17th and 18th-century England. **David Nash** explores the shame of it all

hame as a means of punishment has traditionally been seen by historians as a primitive, barbaric relic of the uncivilised pre-modern world. The classic example of a shame punishment is the pillory. It fulfilled a crude function in a society that had poorly-developed conceptions of control, discipline and policing. The heyday of the pillory in England was between the mid-17th and end of the 18th century and it represented a cost-effective method of dispensing restorative justice. It was society's opportunity to make an example of those who transgressed.

The use of the pillory involved the community as audience and as participants within the punishment. This demonstrated the people's consent to the rule of authority and the restoration of order. It also made the community the adversary of the criminal, so forcing their psychological submission. Convicted individuals would be secured to a wooden cross or stocks in a public place and exposed to the vicious reaction of the crowd who hurled missiles and refuse. Famously, Titus Oates (who spread false rumours of a Popish Plot against Charles II in 1678) was almost killed and left for dead by those who assaulted him.

Individuals could be exhibited for anything between an hour and a day (or sometimes consecutive days) at a place either pertinent to the offence or one prominent enough for the community to be involved in the punishment. The length of punishment had other dimensions, since the imprisoned individuals would be deprived of food, drink and the opportunity to discharge bodily functions.

The pillory was the punishment for those who had compromised the order, reputation



A couple pilloried, in an early 17th-century woodcut. The role of spectators as participants in shame punishment demonstrated people's consent to the rule of authority

Individuals would be secured to a wooden cross and exposed to the vicious reaction of the crowd and safety of government's laws and was a method of restoring the confidence of the community. Thus individuals convicted of fraud (what we would call confidence tricks) and falsifying legal documents received this punishment regularly.

In the early 1630s, Henry Jones was convicted of creating a false identity, which he had used to gain charitable donations. In punishment, he was to be "sett upon the pillory one hower in Uxbridge upon a

markett day with a paper upon his head shewinge his offence".

Coining and debasing silver (both elements of the economy protected by statute) were also punished in the pillory. In 1696, Henry Mitcham was convicted of "procuring clipped and counterfeit money of criminals at low rates, and putting it off for good", and stood in the pillory on three separate occasions.

Likewise in 1667 David Venables, a London silversmith, was convicted of "making and selling several little bottles, small cups, snuff boxes, tumblers, and other small things of impure and base silver, not up to the standard", for which offence he was ordered to stand in the pillory and fined £500.

The offence of sedition was also an attempt to undermine public confidence and was similarly punished. In 1685 Deborah Hawkins declared she would "put on breeches myself to fight for the Duke of Monmouth" (leader of a rebellion against James II). As a result, she was put on the pillory in Holborn for an hour with a paper on her head setting forth her offence.

In 1725 Peter Matson cursed soldiers in a Petticoat Lane alehouse, in London, and proceeded to drink the health of the Jacobite Pretender to the throne. For his troubles, he was apprehended by the watch and sentenced to the pillory.

Certainly, the pillory was effective as both a punishment and a deterrent. In 1683, a Mr Manfield pleaded the king's mercy in an attempt to avoid "that ignominious punishment of the pillory".

Another man in 1696 had ambitions to enter military service in the king's name but suggested that his sentence to stand twice in the pillory "will render him incapable of what he designs".

#### Playing to the crowd

However, as early as the 17th century onwards, the punishment increasingly backfired on those enforcing it. Some did not submit meekly to their fate and vented their fury on the officers of the law and the assembled crowd.

In 1667, an unnamed forger "did not stand" the pillory on three occasions. If the quietly till the mayor directed handcuffs to be put upon him, which could not be done till four or five seamen went up and forced him to it. He... did not value the disgrace... and was only sorry that he was apprehended for such a small sum, and [offered] many other stories in pride of his roguish actions."

In 1698 Captain Rigby, a naval officer, was convicted of blasphemy and sodomy and

enter Bristol on a donkey.

"Shame, like the exhalations of the sun, Falls back where first the motion was begun; And they who for no crime shall on thy brows appear, Bear less reproach than they who placed them there"

An extract from Hymn to the Pillory, in which Daniel Defoe (shown above) attempted to shame the authorities for pillorying him

sentenced to pay a £1,000 fine, to stand in authorities believed the punishment would reform Rigby, they were to be disappointed, since he attended it "dressed like a beau" and seemed to play to the crowd, glorying in his offences as befitted a libertine.

Yet what fatally damaged the power of the pillory was the arrival of the dedicated dissident. These people adopted ideological arguments against the political, social or

religious authorities and were prepared to suffer for them. They accepted their dissent from the community, had

> psychological defences against the punishment and made their opposition coherent.

When used against members of religious sects like Lodowick Muggleton or the Quaker James Nayler, the pillory was steadfastly ineffective and in fact became a cornerstone of their martyrdom. Nayler was scarcely psychologically damaged by the shame punishments he suffered because his own conversion had provided him with God's 'inner light'. This same inspiration had made him gather a band of disciples and

More and more dissidents put their own views across in print, which undermined the ideal of the community disciplining them. Often the crowd was given a flavour of their beliefs before their punishment or at the site of the pillory.

In 1680, for instance, Benjamin Harris was tried and pilloried for publishing An Appeal from the Country to the City, yet the crowd supported him since "no one dared cast any thing at him and one that only spoke against him was in some danger".

The miscreant could also use the power of the printed word to question the justice of the pillory and shame punishments. The most famous of these motivated dissidents was Daniel Defoe who was harshly placed in the pillory for three days in the first years of the 17th century for publishing a sarcastic assault on high toryism. Defoe published and had distributed at his sites of punishment his own Hymn to the Pillory, which asserted his virtue and the venality of his enemies in authority, and tried to make them feel the shame they were attempting to heap on him.

The discredited pillory increasingly fell into disuse and was notably ineffective in preventing the spread of Thomas Paine's ideas at the end of the 18th century. Eventually it was removed by statute, in 1837, in a period when the modernisation of punishment deemed it anachronistic, ineffective and barbaric.

**Dr David Nash** is a professor in history at Oxford **Brookes University** 

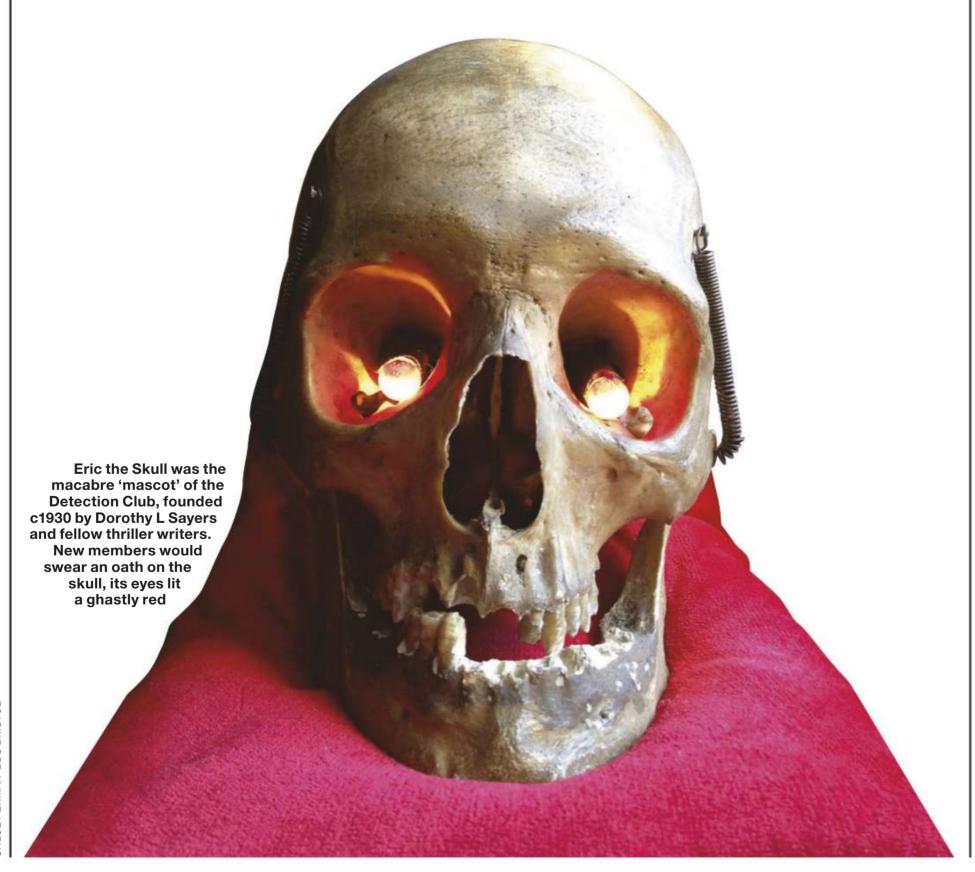
#### **DISCOVER MORE**

#### **BOOK**

► Shame and Modernity in Britain 1890 to the Present by David Nash and Anne-Marie Kilday (Palgrave, 2017)

# "More blood! Much more blood!"

As Britain's cities expanded in the early 19th century, so too did the nation's obsession with murder. **Lucy Worsley** selects a series of objects that testify to Britons' fascination with this most grisly of crimes – from the Regency to the Second World War



CHLOE PENMAN-BBC BRISTOL



Quincey, a nation of "murder-fanciers"? It was a development linked to urbanisation, industrialisation and, indeed, everything that we might call 'civilisation'. In the crowded cities of Regency Britain, people no longer knew their neighbours. Until this point, war, famine or disease had been their greatest fears – but now, community ties weakened, strangers represented danger.

In 1811, one particularly horrific set of

In 1811, one particularly horrific set of crimes proved a turning point. The slaughter of a family in the East End, shortly followed by a further triple killing, became known as the Ratcliffe Highway Murders. In the previous year, there had been only 15 convictions for murder in the whole of Britain. A new terror had entered modern life.

The Ratcliffe Highway Murders inspired an essay, published in 1827 by the opium-addicted De Quincey, called *On Murder Considered as One of the Fine Arts*. He identified a new phenomenon: the consumption, even enjoyment, of murder. Hearing about or reading about a murder satisfied a ghoulish, slightly guilty appetite for tales of slaughter and suffering that people had now developed.

This craze also took a physical form. Many a living room would have contained the often macabre, sometimes funny but always gruesomely intriguing products created by the murder industry.

I've selected just a few of the objects that bear witness to a national obsession with the dark side of human nature...

# INHA THURTELY

Many people would have regarded John Thurtell as a hero, as this mug attests

## A mug hailing a 'gentlemanlike' killer

This ceramic mug commemorates murderer John Thurtell who, in 1823, killed a friend during a dispute about money. Thurtell and his victim – William Weare, a fellow dodgy dealer – were denizens of a murky underworld known as 'The Fancy', inhabited by professional boxers, promoters and gamblers. The murderer and his somewhat inept accomplices killed Weare in Radlett, Hertfordshire, and threw his corpse into a pond. On discovering that the water was too shallow to hide the body, they pulled it out and tried another pond in Elstree. Perhaps unsurprisingly, Thurtell was easily caught.

There's a whiff of the 18th century about his career as a murderer. The public took to him because of his good humour and charisma. They also had a more positive image of violent crime than we might expect. In Georgian times, capital punishment was meted out for all sorts of crimes against property as well as for murder, so a captured criminal was often considered unlucky rather than evil – hence the Georgian public's fondness for dashing highwaymen or a 'gentlemanlike' murderer such as Thurtell. Many of the crowd of 40,000 who gathered to watch him hang saw him as a heroic character rather than an evil one.



#### **Marionettes depicting the 'Red Barn Murder'**

The 'Red Barn' in the sleepy village of Polstead, Suffolk, was the scene of a crime that became one of the most potent stories of the 19th century. In 1827 William Corder tricked his lover, Maria Marten, into believing that he would elope with her. Instead, he killed her and buried her beneath the floor of the barn. The ceramic depiction of the crime scene pictured below shows William beckoning his victim into the barn. Probably produced in 1828, it became a popular ornament. Though meaningless to those unfamiliar with the story, this item, placed on your mantelpiece, would certainly provide a talking point.

The real-life events of the 'Red Barn Murder' were very quickly translated into ballads and broadsides, and inspired melodramas staged in the London theatres. Even country folk could enjoy the story in the form of a travelling puppet show. Performed with the utmost seriousness, these puppet performances were shocking and tragic.

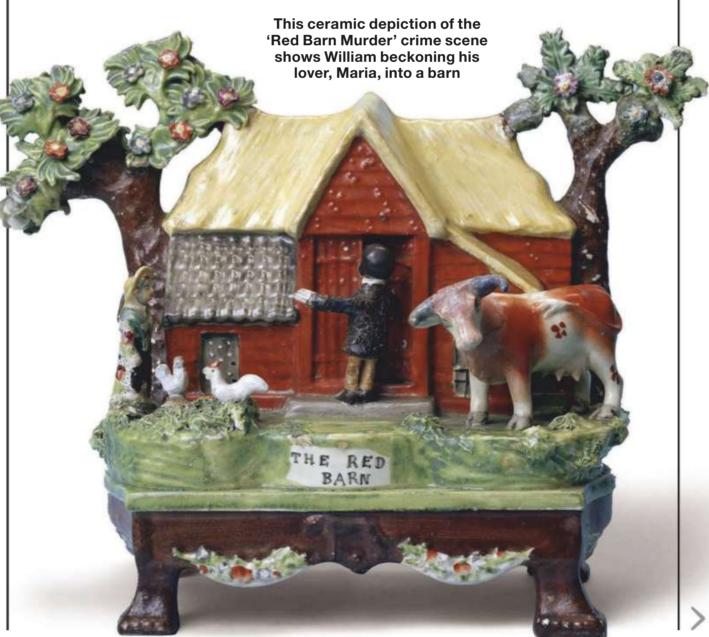
The marionettes of Maria and her murderer shown here belonged to a company that toured East Anglia. They demonstrate how the protagonists conform to the stock characters of melodrama, with its black-and-white tales of passion and revenge. Maria has been turned into a rosy-cheeked virginal maid in white (she had in fact borne three children), while William Corder sports a villainous moustache.



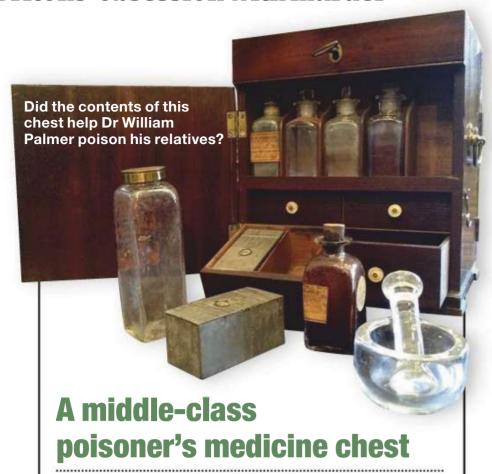


Puppets of William Corder, complete with "villainous" moustache, and his victim, Maria Marten

"In Georgian times, a captured criminal was considered unlucky rather than evil — hence the public's fondness for dashing highwaymen or a 'gentleman' murderer"

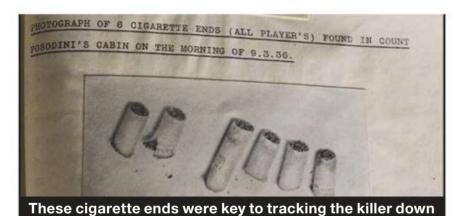


#### **Britons' obsession with murder**



In the 1840s and 1850s the British began to suffer from a new fear of being poisoned. The growing industry of life insurance meant that the relatives of middle-class people now had a pecuniary motive for bumping them off. Dr William Palmer of Staffordshire (hanged 1856), whose medicine chest this reputedly is, was the classic murderer for this newly paranoid age.

A physician who got into debt, he took out various life insurance policies and poisoned several friends and relatives for their money and to benefit from insurance pay-outs. He was particularly frightening to the middle classes, because it now seemed that a murderer might penetrate even a respectable drawing room.



## A 'murder dossier' that's short on derring-do

The First World War transformed crime fiction. Late Victorian and Edwardian readers had loved an active, gallant, patriotic detective. In one story, for example, Sherlock Holmes uncovers a German spy, and has no hesitation in using a gun. However, after four traumatic years of war, tales of violent derring-do felt out of place in a nation where, it seemed, nearly every home had lost a son. Detective writers erased the violence from their stories, and turned detection into a peaceful, genteel affair that was rather like solving a crossword puzzle.

Indeed, in the interwar period, murder came to be reconceived as a game. 'Murder dossiers' such as this one came with clues such as a bloodstained piece of wallpaper, crime scene photos or a matchstick. The solution was provided in a sealed envelope at the back.

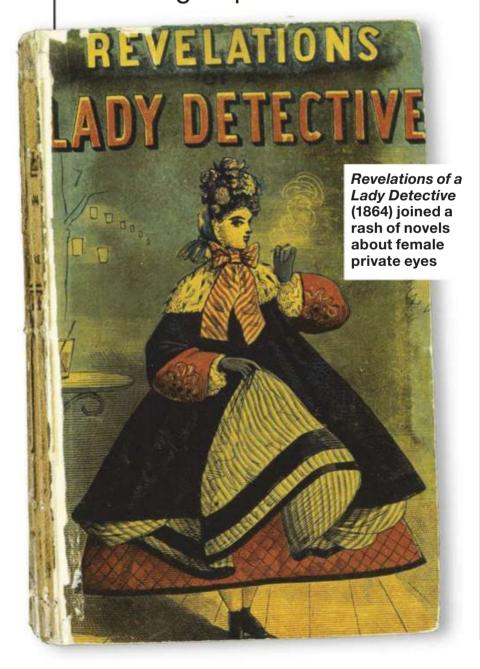
## A novel charting the exploits of a racy 'Lady Detective'

Working-class people of the 19th century had a taste for blood in their broadsides and ballads, and writers such as Charles Dickens (*Bleak House, The Mystery of Edwin Drood*) made stories of crime and detection respectable for middle-class readers, too. A new wellspring of fiction was created in 1842 with the founding of the Detective Branch of the Metropolitan Police Force, but the private detective business remained in good health.

A fresh novelty arrived in the 1860s: a rash of novels about female private eyes, including *Revelations of a Lady Detective* by WS Hayward, published in 1864. The cover art suggests that our heroine is rather 'fast' – she is revealing an ankle, and unafraid to be seen smoking in public. But the 'Lady Detective' is also admirably free-spirited. At one point, while chasing a villain, she finds it necessary to drop down through a hatch into a cellar. Her fashionable crinoline won't fit through the hole, so she simply takes it off and abandons it. It's a wonderful moment of female emancipation: freed from the "obnoxious garment", as she calls it, she is able to get on with her work.

"Our heroine is rather 'fast'

— she is revealing an ankle,
and unafraid to be seen
smoking in public"





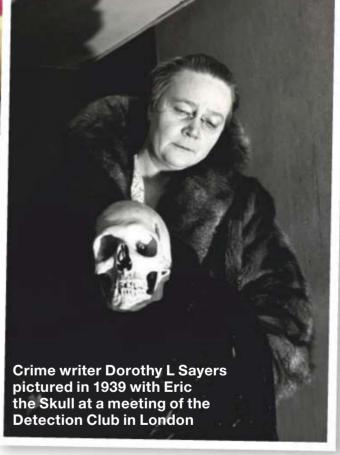
## **Eric the Skull, ghoulish creation of the Detection Club**

About one-eighth of all books published in 1934 were detective novels. It was big business, and the most successful of the authors behind this literary crime wave were women, who excelled at the social observation, the intricate plotting and introducing the large numbers of female characters readers now demanded.

Dorothy L Sayers was the best of these, combining humour and insight into the female condition with crime-solving. She was among the founders of the Detection Club in around 1930, a mutual admiration society for detective novelists. The club developed its own arcane initiation ritual that involved swearing an oath upon Eric the Skull, his eye sockets illuminated with red bulbs. Aspirant members had to promise in their novels "to observe a seemly moderation in the use of Gangs, Conspiracies, Death-Rays, Ghosts, Hypnotism,

Trap-Doors, Chinamen, Super-Criminals and Lunatics, and utterly and forever to forswear Mysterious Poisons unknown to Science".

It was all very cosy and enjoyable but eventually interwar detective fiction began to seem a little sterile and repetitive. "Snobbery with violence" was Alan Bennett's disparaging assessment of the narrow world of the 1930s detective story, where murderous vicars, retired colonels and dowager duchesses abounded, and where the Great Depression and the rise of fascism made no impact. The late 1930s saw a new, morally ambivalent and more violent strand of British crime fiction arrive from America. The works of writers such as Graham Greene edged towards the style of the detective story's modern successor, the thriller and something of the 'fun' went out of murder.



Lucy Worsley is chief curator at Historic Royal Palaces. She is also an author and broadcaster who has presented several historical series for the BBC

#### DISCOVER MORE

#### **BOOKS**

► A Very British Murder by Lucy Worsley (BBC Books, 2013)

► Decline of the English Murder (in Decline of the English Murder and Other Essays) by George Orwell (Penguin Classics, 2009)

## HISTORYEXPLORER

# 19th-century prison reform

What was life like for the convicted criminals of the Victorian era? Alyson Brown visits **Beaumaris Gaol**, a 19th-century prison where inmates were punished with hard labour

tanding in Beaumaris Gaol, a prison museum on Anglesey, I can hear the mournful cries of seagulls echo through the building, as they've done since the prison was opened in 1829. In a part of the country known best for outstanding medieval castles, Beaumaris Gaol is a fascinating heritage site and has survived in a relatively complete state.

Progressive for their time, the cells had washing and toilet facilities, much of which remain, as does the in-cell communication system which simultaneously rang a bell in the corridor and pushed a flap forward outside the cell so that warders could determine which prisoner required assistance. Visitors can still ring the doleful bell, conjuring up a glimpse of the prison routine.

Perhaps most impressive is the prison's treadwheel, a hard-labour device introduced into the gaol in 1867, possibly the last remaining original treadwheel in Britain still in one piece and in its original location.

The prison at Beaumaris was built in the years after the Gaol Act of 1823, which emphasised the need to classify prisoners, ensure regular labour and guarantee that inmates were given religious and moral instruction. Overall, this legislation sought, and to a limited extent achieved, a measure of uniformity amid enduring local resistance.

However, Beaumaris Gaol, like many locally owned and managed prisons, soon lagged behind prevailing reform movements. It never conformed to the oft-

presented model of prisoner experience in the 19th century: of inmates utterly isolated from each other, consumed by the rigid and severe discipline of a 'total' institution.

In this local prison, where the length of sentence served was usually less than two months, inmates were admitted and released on a frequent basis, bringing the news and the dust of the region with them. Not that this prison was overcrowded. Built to hold 30 inmates, for much of its almost 50-year operation it held a daily average population of much less. This made it vulnerable to continued central government rationalisation and it was closed, along with 37 other local prisons, soon after prisons were nationalised in 1877.

Not long after Beaumaris Gaol opened, debate on prison reform shifted to the benefits of the 'silent' versus the 'separate' system – informed by experiments in America. In the so-called silent system, inmates slept in separate cells at night but worked and attended chapel and classes together. This required the presence of prison warders to prevent communication between inmates, which, if detected, would be punished severely. Meanwhile, under the separate system, inmates were held in individual cells and even exercised and attended chapel in separated stalls.

Both systems aimed to prevent moral corruption by prohibiting communication.

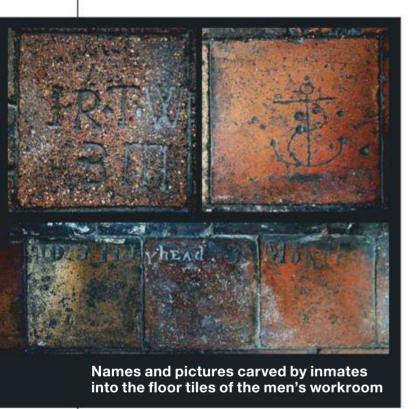
But, while the silent system promoted behavioural reform through work discipline, under the separate system offenders' reform was to come from isolated inner reflection and contemplation of their sins, guided by a prison chaplain.

**Professor Alyson Brown follows** in the footsteps of 19th-century prisoners at Beaumaris Gaol. The prison could accommodate up to 30 inmates under the 'silent system' Photography by Craig Easton





The treadwheel at Beaumaris Gaol, a hard labour device that pumped water to cells



The lack of in-cell heating meant that, until a new wing was built in 1867, the cells at Beaumaris Gaol did not conform to government requirements for holding inmates under the separate system. It supposedly adhered to the silent system but repeated complaints from prison inspectors about the lack of prison staff and lax supervision of prisoners, the prison diet, the need for full prison clothing, as well as the lack of heating in the cells, all reveal a local magistracy resistant to central reform and the expenditure that would have required.

In the male workroom, visitors can clearly see graffiti deeply inscribed in the tiled floor, suggesting a lack of supervision or at least leniency by staff.

The late introduction of the treadwheel in 1867 was no doubt a response to the Prison Act of 1865, which championed hard labour. But its installation for productive purposes – to pump water in order to address the problem of water supply – went against the grain of the legislation, which advocated deliberately pointless labour as a form of additional punishment.

The only successful escape from the prison (in 1859) also says much about Beaumaris's attitude to central reforms: an investigation revealed that the prisoner had been wearing his own clothes for several weeks before the escape, at a time when inmates were required to wear prison dress at all times.

Beaumaris Gaol has been given little attention in the history of the modern prison: it is geographically and culturally removed from urban and anglocentric perspectives and its story casts doubt on the legitimacy of referring to the administration of 19th-century prisons as a 'system' at all. Historical research is increasingly revealing the continued level of diversity in local prisons throughout Britain, for example in Beverley, Hull, Carmarthen, Lancashire and Lincoln.

But to assert that Beaumaris Gaol failed to adhere to forms of prison discipline promoted and legislated for by central government is not to say that prison life there was easy, although it may suggest it was a little more humane and more locally defined and negotiated. Before the 1860s male prisoners in Beaumaris may not have been subject to the full severities of the silent system, but they did do hard labour – breaking stones or picking oakum (teasing out fibres from old ropes).

And though, by the late 1860s, the separate system was operated for only a small number of prisoners – and even then not rigidly, for example no mask or hood was placed on prisoners when they left their cells – inmates were still subject to punishment in the 'dark cell', where they were fed bread and water and could be placed in handcuffs.

"INMATES WERE ADMITTED AND RELEASED ON A FREQUENT BASIS, BRINGING THE NEWS AND DUST OF THE REGION WITH THEM"

#### **VISIT** Beaumaris Gaol



Beaumaris Gaol, Steeple Lane, Beaumaris, Anglesey LL58 8EP visitanglesey.co.uk

The external appearance of Beaumaris Gaol, with its imposing and seemingly impenetrable high wall, still dominates the surrounding neighbourhood. When operating as a prison, its sheer presence must have left the local population in no doubt about its deterrent message; it served its purpose in that respect.

Certainly, this impressive heritage site gives visitors an insight into 19th-century prison life, but it also highlights the extent to which local authority remained important and continued to shape local institutions.

**Alyson Brown** is associate head of department and professor of history at Edge Hill University. She is author of the book *Inter-war* Penal Policy and Crime in England: The Dartmoor Convict Prison Riot, 1932 (Palgrave Macmillan, 2013)



#### 19TH-CENTURY PRISON REFORM FIVE MORE PLACES TO EXPLORE

#### 1 Ruthin Gaol, Denbighshire

denbighshire.gov.uk

There has been a prison on this site since the 17th century but the earliest part of the existing buildings dates from 1775/76. A large Pentonville wing (modelled on Pentonville prison in London), designed for the implementation of the separate system, was added in 1866 and is the most visually impressive part of this site. This large, light open wing, with its almost religious feel, suggests the extent to which the separate system was underpinned by an emphasis on spiritual change, as well as deterrence.

#### **2** Dartmoor Prison Museum, Devon

dartmoor-prison.co.uk

Housed in the old prison dairy and still owned by the prison service, this museum has a traditional, hands-on feel to it, which adds to its charm. Dartmoor is one of the most important historical prisons in Britain. Opened as a prison for French prisoners of war in 1809, it was converted for use as a convict

prison for more serious offenders in 1850 and so was in the vanguard of the gradual expansion of centralised state power regarding punishment. The iconic main entrance to the prison, which is still in operation, can be seen across the road.

# Inside the ruins of the forbidding jail at Bodmin

#### 3 Bodmin Jail, Cornwall

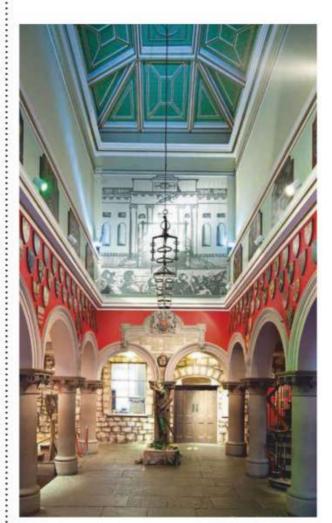
bodminjail.org

The gaol remains open during a large redevelopment project, and visitors can explore the building, over six levels, and browse creative exhibits on penal life in Victorian Cornwall. Much of the 1778 prison, based on plans from prison reformer John Howard, was destroyed during the building of an expansive new 220-cell prison in the late 1850s. This gaol has the only 'working' execution pit in Britain, discovered in 2005.

#### 4 Lincoln Castle Prison, Lincoln

lincolnshire.gov.uk

Men, women and children as young as eight were held here from 1848 to 1878. Lincoln Castle's prison is fully open following extensive refurbishment and re-interpretation, with three floors of restored and recreated cells spread over separate male and female wings, plus interactive interpretation and a Discovery Centre. At this prison museum you can also see the last remaining original 'separate system' chapel in the world.



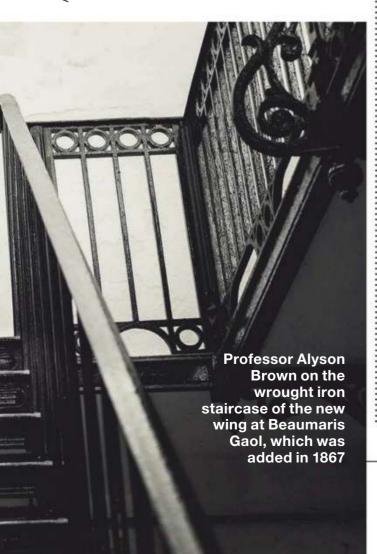
The grand entrance to the former justice court at the National Justice Museum

#### **5** National Justice Museum, Nottingham

nationaljusticemuseum.org.uk

This museum is based in Nottingham's old courthouse and gaol. The first such buildings date from the 14th century but there have been additions, with new wings between 1820 and 1840. Here prisoners could be charged (in the early 20th-century police station), sentenced and executed. This museum holds the UK's largest collection relating to law, justice, crime and punishment, and visitors can see original courtrooms, dungeons and prison cells, plus more contemporary galleries.





**Beaumaris Gaol, Anglesey** 

# ONGOINGTOSEE

#### **Stephen Halliday**

explores the notorious practice of public hangings, a grisly yet carnivalesque spectacle enjoyed by unruly London crowds until as late as 1868

arly on the morning of 5 May, 1760, a large crowd began to gather close to the present site of Marble Arch. The sun had not yet risen when the first spectators assembled, anxious to gain a good vantage point from which to witness the day's events. The more affluent could afford to arrive later since they had paid as much as ten pounds for a reserved seat in one of Mother Procter's Pews, wooden stands erected the preceding day by an enterprising female of that name. When dawn broke, the square was full, save for a small space in the centre large enough to accommodate a scaffold: for this was Tyburn, London's historic place of public execution.

On this occasion the crowd was more excited than usual. They were to witness the execution of an aristocrat, the fourth Earl Ferrers. He had been convicted by his peers, in Westminster Hall, on a charge of murder after shooting dead his family steward. Moreover the earl was to be executed by the 'sudden drop' method, which would bring death instantaneously, rather than by the process of slow strangulation during which the victim would often urinate: "pissing when you can't whistle" as the spectators called it. The crowd would have to wait until midday for the earl to arrive and in the meantime they amused themselves by

Death in the afternoon The execution of murderer **Earl Ferrers at Tyburn in** 1760, seen in an engraving from the time, drew a huge and unruly crowd, eager to see the aristocrat hanged by the sudden drop method

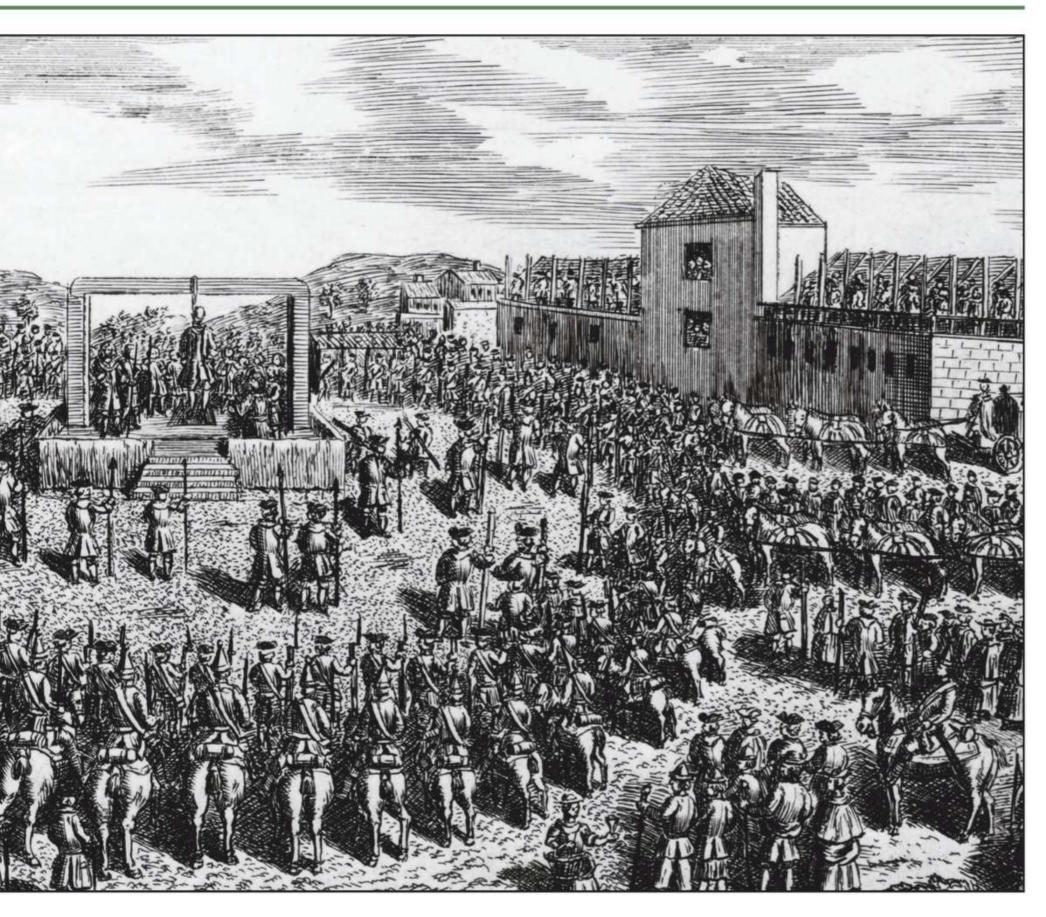
chanting, fighting, purchasing food and drink from hawkers like Tiddy Doll, the gingerbread seller, and picking each other's pockets.

Those who could not see the execution itself lined the route along which the condemned man would come. Tyburn Road (now Oxford Street) was all but impassable and the earl's progress was delayed by the press of the crowd and also by the fact that he began his journey at the Tower of London whereas common criminals, executed as

many as two dozen at a time, set out from Newgate prison, on the present site of the Old Bailey.

The first permanent scaffold had been erected at Tyburn in 1571 and executions took place there, usually on Mondays, until they were transferred to the street outside Newgate prison in 1783. The authorities had become concerned about the disorderly 'Tyburn processions' whose drunkenness, hurling of missiles and attempted rescues had turned the processions into something

# AMANHANGED



between a carnival and a riot. Not all the onlookers enjoyed these occasions. James Boswell, having witnessed an execution, was unable to sleep for days afterwards though his mentor, Dr Samuel Johnson, was outraged when the processions ended, declaring "Executions are intended to draw spectators: if they do not draw spectators they don't answer their purpose".

The transfer of public executions to Newgate did nothing to redeem the spectacle. In 1840 William Makepeace Thackeray and Charles Dickens both witnessed an execution there. Thackeray's essay entitled *On Going to See a Man Hanged* declared "I have been abetting an act of frightful wickedness and violence". Dickens wrote to the *Daily News* of the "ribaldry, levity, drunkenness and flaunting vice" that marked the occasion, the only decorum being the cry of "Hats off" as the moment of execution arrived. Accidents occurred, as when the rope became detached from the scaffold and William Skitch fell through the

trapdoor to the ground, terrifying the hangmen as he climbed back on to the platform. As a result of their experience Thackeray and Dickens both opposed public executions, which were finally abolished in 1868, the last being that of the Irish nationalist Michael Barrett. Thereafter the executions took place within Newgate itself.

**Stephen Halliday's** latest book is *Journey to Crossrail: Railways Under London, From Brunel to the Elizabeth Line* (History Press, 2018)

# TERROR ON THE STREETS OF LONDON



#### **Clive Bloom** tells the story of the infamous Siege of Sidney Street in 1911, a dramatic shoot-out between the police and a gang of Bolshevik revolutionaries that caused an international sensation

n a blustery
Friday night, at
approximately
11.35pm on 16
December 1910,
five policemen
were gunned down by a gang of East
European revolutionaries during
a bungled raid on a jewellery shop.
Foreign revolution had come for the
first time to the streets of London.

British anarchists dreamt of bombs but did little. This was certainly not the case with the more ruthless terrorists who came to Britain from the Russian empire (especially from Latvia and Lithuania), and settled temporarily among other, mainly Jewish, immigrants in the East End of London. These dedicated revolutionaries were social democrats of various creeds including Mensheviks and Bolsheviks as well as nationalists and anarchists.

Entry into Britain was easy and the importation of weapons or even bomb-making equipment was virtually ignored. Escaping the harsh regime of the Tsar's secret police, revolutionaries from the Baltic had found a welcome in London where socialist groups supported those dedicated to democratising Russia after failed uprisings in 1905.

Already used to extreme violence, the revolutionaries adhered to the doctrine of 'expropriation' by which robbery (in order to finance further revolutionary activity) was dressed up as re-appropriating the already 'stolen' profits of the capitalists. Theft was the chosen method of income for such groups, who moved between Britain and eastern Europe in a number of disguises and under a variety of names. These desperados went about armed with the latest machine pistols, expecting no mercy from the British police whose methods they mistakenly took



On the run after their failed robbery in 1909, terrorists Lepidus and Hefeld hijacked a tram (shown in a drawing from the *Illustrated London News* at the time)

# Escaping the harsh regime of the Tsar's secret police, Baltic revolutionaries had found a welcome in London

to be the same as those of the Okhrana, the Tsar's secret police.

The waves of bombings and assassinations that had terrified Europeans in the 1880s and 1890s had merely made newspaper headlines in Britain until that December, but in 1909 there was a warning of what was to come. In 1907 an abortive attempt to assassinate the president of France killed the bomber, 'Strygia'. His brother Jacob Lepidus and Paul Hefeld, his fellow accomplice, fled to Britain.

#### Murder and mayhem

In January 1909 the two plotted the armed robbery of the wages of Schnurmann's rubber factory in Tottenham. The raid was badly bungled and both men found themselves pursued by police and civilians across Tottenham marshes towards

Walthamstow and then Chingford, at that time one of London's countryside villages. In the pursuit the revolutionaries commandeered a milk cart and even a tram, shooting at anybody and everything that threatened them. Exhausted and cornered the two fought it out. Hefeld shot himself and was captured (he later died); Lepidus committed suicide.

The day was a bloodbath. Policeman William Tyler was murdered, a stray bullet killed a young boy and 15 others were wounded. Anarchists in France gloried in the "heroes" of what was known as "the Tottenham Outrage". The anarchist paper *Le Retif* reported the deaths of "our audacious comrades" whom the paper saw as victims "under attack" from "citizens, believers in the State and authority".

A year later, an even more violent confrontation occurred after a bungled robbery at HS Harris the jeweller in Houndsditch, in a run-down warren of old shops which backed immediately on to a set of tenements known as Exchange Buildings.

A number of Bolshevik expropriators had planned the robbery and had rented part of numbers 11 and 9 immediately behind Harris's shop. From there they had attempted to break through the wall using cutting equipment to get to the safe. In streets silent because of the Jewish Sabbath, their handiwork made too much noise and attracted the attention of neighbours who informed the local policeman on the beat, Constable Piper.

Piper now alerted his colleagues, gathering a little group of two plain clothes and five uniformed men to go and investigate. They were armed only with truncheons, but suspecting nothing but ordinary burglars knocked at the door of number 11 Exchange Buildings only to be greeted by the leader of the gang, George

#### **Edwardian terrorists**

# The gang was determined that if caught its members would fight to the death

Gardstein, who tried to get rid of them. They then knocked again, but this time they were met with a hail of gunshots. One policeman was killed outright and four were wounded, two of whom later died. Gardstein also sustained injury in the melee, being shot by mistake and then dragged off by his colleagues, later to bleed to death in a poky bedroom in a lodging house nearby.

The gang were all seasoned in revolutionary warfare, all members of 'the Flame', (a front organisation for Lenin and the Bolsheviks), and all heavily armed with the latest weapons: Mausers and Dreyse automatic pistols. The group was determined that, if caught, its members would fight to the death. The leader of the gang was later identified as 'Peter the Painter' who soon became the most famous East End bogeyman since Jack the Ripper.

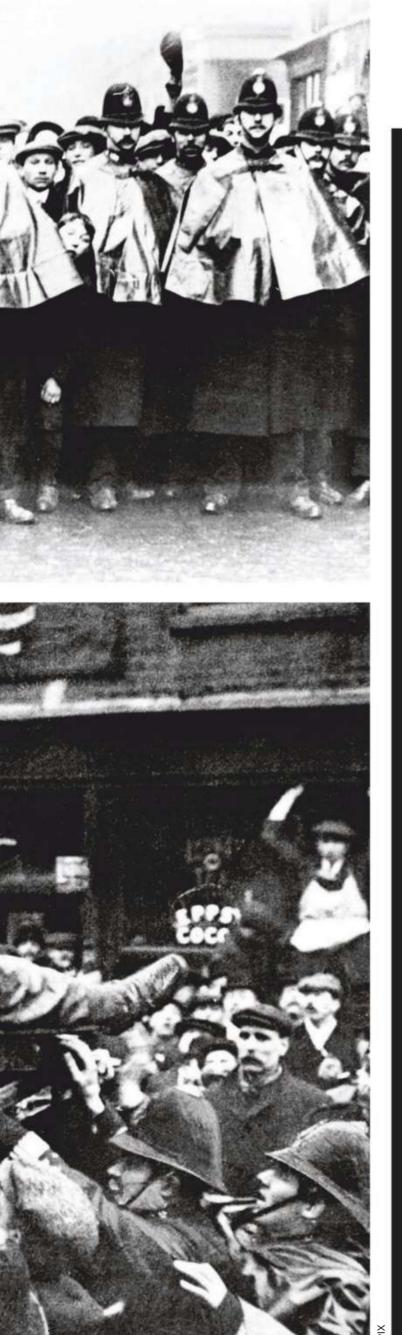
The 'Houndsditch Murders' were shocking because of their cold-blooded indifference to authority and a massive hunt soon got under way. Gardstein's body was discovered with ammunition and papers linking him to the Lettish 'anarchist' communists and with guides on how to make bombs. In one letter to his brother he asked mysteriously: "Have you written to the finger of God in Libau?" His passport called him Schafshi Khan, but all the expropriators had numerous aliases.

An immediate round-up of suspects started and posters were made showing the main culprits. The police seemed to be making progress, especially with the help of Charles Perelman, the former landlord of the gang, who had come forward to give evidence. Two or three gang members were now holed up at 100 Sidney Street, a three-floored tenement near a brewery. It was a 20-minute walk along Whitechapel Road from where the robbery had gone wrong. 'Peter the Painter' was also allegedly hiding out there.

There were however only two men inside, Fritz Svaars and a man called Joseph (or Yosef or William Sokolow) who were armed with large amounts of ammunition and automatic weapons that had a range of a thousand yards. The police on the other hand had out-of-date rifles, shotguns and







#### The century old mystery

Some key questions about the raid remain unanswered

Among the many questions still remaining around the Houndsditch Murders, one stands out: Why was a rather rundown jeweller's shop chosen for the burglary?

It was left shut up on that Friday night with only a few trinkets and a touristy Eiffel Tower clock in the window. To all intents and purposes it was a high-class pawn shop. There was, of course, the safe, containing, so it was said, £20,000. This would have been a huge amount in 1910. Harris's son later said there was only £7,000 deposited, still a fair sum, and perhaps far too large for such a location. The police did not check. Either way, Harris did not want people to know his business which may have been slightly less straightforward than appeared.

The burglars carefully planned their raid and used complex steelmelting equipment. So was there something unique in that safe that was worth more to the robbers than jewellery – and if so, what? It may have been negotiable tsarist bonds that could be sent back to feed revolutionary coffers, but if so why were they secreted in a seedy east London jewellery shop? Perhaps the shop was itself a front for nefarious dealings.

Location may explain some of the mystery, as Harris's was a stone's throw from Liverpool Street station and the boat train to Europe. By drilling on a Friday, the Jewish Sabbath, the robbers knew that the shop would be closed until Sunday



Peter the Painter: Was he the brains behind the disastrous jeweller's shop raid?

giving them plenty of time to cross Bishopsgate and get tickets to safety. The injury to Gardstein put paid to their plan and sent them scuttling the other way back into the East End.

What of 'Peter the Painter', the shadowy mastermind blamed for the raid and its aftermath? It was only in 2009 that the mystery of Peter the Painter was finally solved. Access to the Latvian archives allowed a British scholar to piece together the life of Peter Piatkow or Janis Zhaklis, a revolutionary organiser, who was a house decorator by trade but also a ruthless street fighter who was dedicated to the Bolshevik cause. He had already robbed and shot his way across

Latvia, before having to escape to Britain where he was possibly head of the whole Leesma gang. He may also have been a double agent for the Okhrana.

Janis Zhaklis was young, handsome and well dressed. Was he in charge of the raid, but not present? Did he later work for the Soviet secret services only to be 'purged' by Stalin in the 1930s? Was he the strange prisoner of the gulag who could retell the story of the revolutionary mission in London in minute detail as late as the 1950s? Or did he just start a new life and identity in Australia, leaving the grime of London and the cause for which he fought behind and forgotten?

#### **Edwardian terrorists**



Home secretary Churchill (peering round a pub gate) couldn't resist visiting Sidney Street in the siege

Bulldog pistols with a range of only a hundred yards. Taking no chances, the police surrounded the area with 200 officers and began evacuating those who lived there. This took some time, as some residents who spoke only Yiddish in this predominantly Jewish area were frightened and disturbed.

#### Send for the Scots Guards

Amazingly, the head of Whitechapel Division, Inspector Wensley, then sent a number of his officers to knock on the door of the besieged house and throw pebbles at the window, but unexpected gunfire wounded a policeman and his party were forced to withdraw.

Unable to make any headway, the police asked the home secretary, Winston Churchill, for military reinforcements. A detachment of Scots Guards duly arrived, as did Churchill, who brought his Purdey shotgun, the whole thing being "so extremely interesting". As he arrived the chant of "Oo let 'em in?" came from onlookers, who disliked the lenient government policy towards immigrants.

The siege played out its tragic story for more than five hours. Eventually the besieged house caught fire. Svaars and Joseph, unable to escape, kept up a deadly barrage until one was shot dead and the

#### Churchill brought his shotgun, the whole thing being "so extremely interesting"

other died in the burning building. When the roof collapsed it trapped and injured five of the firemen who had been sent to put out the fire. A vast amount of ammunition had been used on both sides. Churchill, overenthusiastic, had been caught on newsreel. When it was shown in cinemas the audience catcalled, "Shoot 'im!" The French press thought the episode amusing. The Russians said too bad for harbouring their enemies and the Germans offered to show the British how to run a proper police state.

As for those suspects still held in custody, little could be proved and it was convenient to blame the dead for everything. The accused were all acquitted. One, Nina Vassilleva, worked for Arcos, the Russian trade organisation (and spy front) in London; she died in 1963 having lived all her life near Brick Lane just a few hundred yards

from the tragedy. Another of the accused was Jakob (or Jacob) Peters, a cousin of Fritz Svaars, the man who had actually killed the policemen at Houndsditch and later planted his gun on Gardstein. He too operated under a series of alter egos including Jacob Colven or Kolnin. In Russia he was known as Svornoff. Acquitted, for lack of evidence, he went back to Russia to take part in the revolution of 1917, rising to become deputy chairman of the Cheka, the Bolshevik secret police. He vanished in 1939 or 1944, purged by Stalin.

The deaths of the main protagonists drew a line under the affair. The government, embarrassed by the incident, by its home secretary and its own inadequacy to deal with the threat of foreign terrorists, was not looking for explanations, only closure.

**Clive Bloom** is emeritus professor of English and American Studies at Middlesex University

#### DISCOVER MORE

#### **BOOKS**

- ➤ Violent London: 2000 Years of Riots, Rebels and Revolts by Clive Bloom (Palgrave, 2010)
- ➤ The Houndsditch Murders and the Siege of Sidney Street by Donald Rumbelow (History Press, 2009)

# SMASH-AND -GRAB GANGSTER

**Alyson Brown** charts the criminal career of Ruby Sparks, an infamous burglar and prison rioter of the early 20th century

Charles John
Spark, aka Ruby
Sparks, was
prominent among
offenders who
brought about the
motor car bandit
panic of the 1920s

uby Sparks' first attempt at a smash-and-grab raid was not what might be called impressive, or even competent. Armed with a brick wrapped in brown paper, he threw it into the window of a jeweller's shop in London. It bounced back and whizzed past his ear. He tried again with the same result, while a small crowd began to grow. He was trying to elbow them aside for his third attempt when a man tapped him on the shoulder and with genuine bewilderment asked: "What's the matter, sonny?" At that point Sparks walked away, deciding that some practise was needed.

On his next attempt Sparks threw his parcel, this time containing two bricks, with particular energy into the window of a jeweller in the suburbs, resulting in a crash of broken glass and the missile damaging shelves, a screen and cabinet at the back of the shop. This was an ignominious beginning in smash-and-grab crime for someone who was later to become a notorious offender with a reputation for being a determined and ruthless career criminal. He was also to become known as a leader of one of the largest and most destructive prison riots in English history. Yet this was not Sparks' only embarrassment among his youthful criminal exploits.

He was born in Camberwell, London, in 1901 with the name of Charles John Spark. According to his own account, he received the nickname 'Ruby' when, at the age of 16, he robbed the Park Lane residence of an Indian Maharajah. Not knowing the value of what he had stolen, he received very little for his haul of uncut rubies. He used the name Ruby Sparks (among other aliases) throughout his life – including in his autobiography – so that is the name used in this feature.

Ruby Sparks was later to claim that he invented the smash-and-grab method of robbery, a description of crime which came into common usage during the 1920s. "It may sound amazing," he said in 1961, but 40 years earlier "nobody had even begun to think of the smash-and-grab technique". Furthermore, he maintained that nobody had thought of using motor cars to "commit thieving". Certainly these kinds of crimes were receiving a lot of attention during the interwar period and in response stout steel grilles began to appear on jewellers' windows.

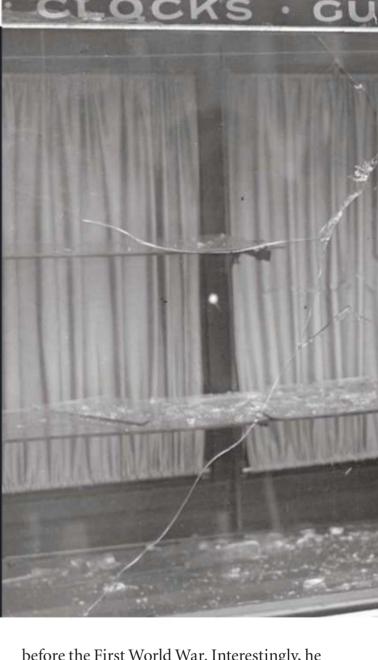
The increasing numbers of cars on the roads were vulnerable to theft and enabled criminals to go further afield to commit

#### Smash-andgrab raiding

In order to practise smash-and-grab methodology, Sparks and an accomplice went out by night and smashed the windows of empty shops in London in the early 1920s. He described this as a sort of "smashand-grab night school" during which he learned that the thickness of shop window glass could vary considerably.

Sparks claimed that with experience he became quite expert and could make the correctly sized hole in windows. He found that the noise he made didn't matter as no one ever interfered with him. He would be in a motor car driving off by the time people realised what was happening.

Sparks began to carry sterilised bulldog clips wrapped in a clean handkerchief with him on raids in order to hold together the gashes in his arms caused by flying glass. His accomplice Lilian would later stitch him up as it was too risky to go to a doctor.



crime and make a quick getaway afterwards. However, there were other proponents of this crime, and the use of the motor car was really a modification of an older form of offence. Another criminal, Eddie Browne, was an earlier practitioner of what he referred to as 'bandit raids' using a stolen motor car and false number plates, probably

One of Sparks' more successful prison escape attempts makes the newspapers in 1927. He was recaptured the following day

STRANGEWAYS

The men

arranged plans.

TWO men, each of whom had just started to serve a sentence of

It was evident that the escape was the result of well-laid and pre-

three years' penal servitude, made a daring escape from Strange-ways Gaol, Manchester, during the night.

before the First World War. Interestingly, he put treacle-covered plaster on the windows in order to control glass and noise. In 1912, a politically motivated gang used motor cars to travel around France committing robberies and violent offences.

Ruby Sparks clocked up at least 11 convictions during his life, the first when he was only 18 years old, for garage-breaking and stealing an overcoat. His criminal career culminated in 1930 when he was officially categorised as a habitual criminal. This meant not only that he had been convicted at

MANCHESTER E

LONDON ALERT. All Railway Stations MYSTERY WOMAN IN WAITING Being Watched. MOTOR CAR. ROAD PATROLS.

ESCAPES.

(From Our London Correspondent.) Fleet-street, Monday,

All the railway stations in London are being watched by Scotland Yard men in the search for the two prisoners who escaped from Strangeways Guol, and sentinels have been posted on all the roads fending into the city.

It is supposed the fugitives are making towards London, but it is almost certain that by this time their confederates outside the prison have provided civilian clothing in place of the prison grey uniform

96



LEFT The aftermath of a smash-and-grab raid on the Mile End Road in London, c1929

BELOW Sparks examines a jewellery shop, its window now secured against his speciality



# The increasing numbers of motor cars on the roads were vulnerable to theft and enabled criminals to go further afield to commit crime

least three times of an indictable offence, but that the court thought he was leading a persistently criminal life.

Sparks' repeated, and sometimes successful, attempts to escape from prison also made him something of a latter-day Jack Sheppard (a famous 18th-century felon and prison escapee). About six weeks after beginning a sentence of three years' penal servitude in 1927 for housebreaking and receiving, Sparks and another convict escaped from Manchester Strangeways prison. He was recaptured in Leigh on the following day, but some local newspaper coverage of it was dramatic, describing the

escapees as "desperate, hunted men" and enemies of society (*Manchester Evening News*, 15 August 1927).

However, the single event that cemented Sparks' image as a bandit, raider and gangster – all terms used in the newspapers describing him – was his identification as one of the leaders of the Dartmoor prison riot on 24 January 1924. During this disturbance, inmates took over the prison for nearly two hours and set fire to the main administrative block. According to the deputy governor of Dartmoor prison, the men who caused the riot were dangerous motor bandits who would "stop at little".

At the trial of Dartmoor convicts following the riot, police evidence stated that Sparks was part of a gang operating in the Elephant and Castle area of London but which also travelled around the country breaking into homes and committing smash-and-grab raids.

#### **Gangster glamour**

The notoriety and even gangster glamour that began to surround Sparks was spiced by his intimate relationship with Lilian Goldstein. She also sometimes drove the car on raids and became popularly known as the 'bobbed-haired bandit' after an American female armed robber, Celia Cooney, a 19-year-old laundress who robbed a string of

grocery stores in Brooklyn in 1924. Sparks didn't give up his criminal career until he was nearing 50 years old; he was released from his final prison sentence in 1949. He got married, though not to Lilian Goldstein, had two children, and ran a newsagents and later a club.

According to his autobiography he wished he had "gone straight" much earlier, that he himself had been a mug to have stayed "in the game" so long. However, he also asserted that he had remained loyal to the principles he had lived by, taken his punishment and never backed down. The fact that Sparks published an account of his life certainly helped establish him in crime history annals but there is no doubt that he was prominent in criminal circles in London. In his book, Burglar to the Nobility, he represented himself as his own man, a rebel who would not be cowed. In many respects, newspaper coverage about him helped to construct an image of the modern dangerous criminal – intelligent, ruthless and charismatic.

Yet Sparks' own account also reflects an older form of tough, underworld masculinity; the kind of man who scorned law-abiding 'mugs', was always ready to avenge insult, take women when he wanted and be generous with his money. However, as with any such account, we have to remember that he was depicting how he perceived himself and as he wanted us to perceive him.

**Alyson Brown** is a professor in history at Edge Hill University. Her books include *Inter-war Penal Policy and Crime in England: The Dartmoor Convict Prison Riot*, 1932 (Palgrave Macmillan, 2013)

# CRIMINALS OF THE

**Joshua Levine** reveals how the German bombing of British cities in the Second World War created new opportunities for lawlessness

ally Thompson was a hard-working thief who always looked to exploit a situation.
During a heavy air raid in 1941, he drove a stolen lorry into a narrow street in London Bridge. An air raid precaution (ARP) member, Thompson was wearing his uniform; it allowed him to move around London freely and unsuspected.
Alongside him in the lorry were the members of his gang – Batesy, Bob and 'Spider'.

The gang's plan was to break into a

The gang's plan was to break into a warehouse, pick up a safe from the office and drive it away. As anti-aircraft fire raged and bombers droned, Batesy jumped out and opened the warehouse gates with a cloned key. Spider – an experienced burglar – ran forward and forced a window, before jemmying the main door open from the inside. Within moments, all four men were inside, manhandling the safe out to the lorry.

But as they reached the door, a bomb landed outside. The ground pitched forwards, and Thompson was thrown through the air, landing on the stairs. The gates were destroyed, the lorry was turned upside down and fires started to burn. Everybody was shaken – but unharmed. Choking on dust, cursing his luck, Thompson urged his men to run.

Spider had other ideas. Spotting a young girl trapped in a nearby building, he began scaling a wall to reach her. Minutes later, a fire engine arrived and a ladder was sent up to the ledge where Spider was hanging with the girl in his arms. He climbed down, and handed her over to a police constable – who was deeply impressed. He asked for Spider's name and address; such courage deserved recognition. However, Spider declined to give his details. Feigning humility, he and his colleagues slipped quietly into the night. Without the safe.

According to Thompson, the Blitz was a golden period for criminals. "Air raids," he remembered, "were the best ally London's crooks ever had". Billy Hill, who came to be known as the boss of Britain's underworld after the war, agreed: "They were roaring days. Money was easy, the villains were well loaded with dough, and we were all busy."

#### **Capital crimewave**

The anecdotal evidence is backed up by the official figures. In 1941, the Metropolitan Police made 5,280 more arrests and recorded 4,681 more indictable offences than it had in 1939 – the primary reason being the increase in criminal opportunity. Yet as career criminals were exploiting the blackout and the absence of police, a much larger group was increasingly finding itself on the wrong side of the law: ordinary citizens.

The Blitz lasted between Saturday 7 September 1940 and May 1941. It brought danger to towns and cities and chaos to the country as a whole, causing people to behave in extreme and unaccustomed ways. One result of this was 'Blitz spirit', the instinctive realisation that life – and other people – mattered. But darker outcomes were also evident – and one tragic crime reveals much about the period.

In late September 1940, Ida Rodway, a law-abiding woman in her late 60s, and her blind husband, Joseph, a retired carriage driver, were bombed out of their Hackney home. The devoted couple began sleeping on Ida's sister's floor.

But as the days turned into weeks, Joseph's mental state deteriorated and their money began running out. Without financial assistance or any apparent hope for the future, Ida did what she considered to be the kindest thing for Joseph. Instead of bringing him a cup of tea in the morning, she brought a knife and slit his throat before handing herself in to the police.

Ida Rodway was charged with murder and brought to trial at the Old Bailey – where the court medical officer construed her insistence that she had done nothing wrong as evidence of insanity. He might equally have viewed it as evidence of crushed pragmatism. Nevertheless, his view saved Ida from the hangman. The jury was instructed to return a verdict of guilty but



insane, and she was committed to Broadmoor where she died in April 1946.

The Rodway case demonstrates that at the start of the Blitz, the authorities had little understanding of how to deal with the effects of bombing. They were surprised by the relatively small loss of life in comparison with the huge amount of damage to buildings. The result was that large numbers were left homeless with nowhere to turn.

It would take some weeks before the newly appointed special commissioner for the homeless, Henry Willink, could begin to overhaul the system. He quickly made homes available, introduced a workable system of benefits, and created a network of information centres. He also removed the poor law mentality that made claimants feel more like Dickensian beggars than victims of Nazi bombing. It would be fair to say that Willink – a Conservative MP – kick-started the welfare state. It was too late, however, to save Ida Rodway from her criminal destiny.

#### Breaking the law

The introduction of defence regulations in 1939 created myriad new ways to break the law – from buying an un-weighed chicken, to painting a car light blue. Robert Colvin-Graham, rector of Old Bolingbroke in Lincolnshire, discovered as much in the late summer of 1940, when he appeared before local magistrates charged with ringing his church bells – an act that had recently been made illegal except as a warning of airborne invasion. Colvin-Graham's protests were ignored by the bench who sentenced him to a month in prison.

At Oxford Police Court, meanwhile, Cecil Hughes was charged with making a statement likely to cause alarm or despondency. While reading an elderly lady's electricity meter, he had attempted a series of jokes concerning the Nazis' ability to invade Britain. He had chosen the wrong audience. "It was a queer way for a British subject to talk," the lady told the magistrates, who found Hughes guilty (after a lengthy adjournment) and fined him £5.

There were many new ways for an ordinary person to turn outlaw. While some of those responsible for looting in the aftermath of air raids were known criminals, the majority were opportunists reacting in the moment. Indeed, between September 1940 and May 1941, a staggering 48 per cent of the looters arrested after air raids were children. Although looting was punishable by death under Regulation 38A, it often amounted to little more than recycling. The head of a heavy rescue squad, for example, was sent to prison for picking up a near-empty bottle of gin from the ruins of



# "The offences committed during the Blitz were often carried out by ordinary people reacting to opportunity"

a pub and handing it to his exhausted men, while an old-age pensioner received six months in prison for taking a bit of rope and an old jug from a ruined house.

The Black Market was also responsible for criminalising the ordinary. "Everyone had their crafty ways," recalled Tottenham fireman Francis Goddard, "it was the only way you could survive." One example is Goddard's wife who worked in a restaurant, where she had access to steak, salmon and other delicacies. At the end of a hard night, she would wrap a few choice items up in tissue paper, and carry them home hidden in

her knickers. "I hope you haven't worked too hard!" her husband remembers laughing. "I hope you haven't sweated too much..."

The sudden availability of firearms played its part in the inadvertent crime wave. Young serviceman James Burnham came home on leave to find his lover asleep in a shelter in the arms of another man. Turning his service rifle on the pair, one bullet missed while a second broke the man's arm.

A Canadian military policeman, meanwhile, desperately in need of money to marry his English girlfriend, held up the Coach and Horses pub in Covent Garden, London. He struggled with the barman, shooting him dead. Without access to firearms, these and other similar incidents may have ended very differently.

#### **Guilty of murder**

But of all the wrongdoing that took place during the Blitz, one act seems to stand apart as the archetypal crime of the period. Starting with the discovery of a body on a bomb site, there was little initial surprise. But when it was shown that the victim had been strangled, a murder enquiry was instituted. The body was ultimately







WARNING!

LOOTING

LOOTING FROM
PREMISES WHICH HAVE
BEEN DAMAGED BY OR
VACATED BY REASON
OF WAR OPERATIONS IS
PUNISHABLE BY DEATH
OR PENAL SERVITUDE
FOR LIFE

identified using two new methods: the study of dental records and the superimposing of a photograph of the victim onto a photograph of the skull. As a result, Harry Dobkin was found guilty of the murder of his wife Rachel. He had tried – and failed – to pass her off as a victim of the Blitz. One wonders how many other murder victims were more expertly disposed of as the bombs fell, and how many grudges and scores were settled as a result.

The range of offences committed during the Blitz, from breaches of regulations to cold-blooded murder, was wide. And while some were committed by inveterate wrongdoers, many were carried out by ordinary people reacting to opportunity.

But beyond opportunity was a world of uncertainty. Our grandparents and great-grandparents feared that tomorrow would never come. They were open to risks and unfamiliar behaviour of all kinds. In the flash of a bomb, Spider went from stealing a safe to saving a life. Even when danger was not immediately present, the Blitz's steady brutality sat in the background, raising the nation's temperature. Nowhere is this clearer than in the case of George Hobbs.

Hobbs was a 43-year-old mortuary assistant found guilty of stealing items from the bodies of air raid victims. Sentencing him, the judge called his a "horrible and disgusting case".

But Hobbs's plea in mitigation is revealing. He told the court that nobody could possibly imagine the sight of bodies recovered from bombed premises. This, he said, combined with the dread that he might himself become a victim of an air raid, had an effect on his mind. He had been doing a job for many years; but it was a job that had suddenly become more extreme and overlaid with fear.

His words should not be dismissed. They hold the key to much of the behaviour of the period. From this place of fear and confusion came both the good and the bad. Blitz spirit is often celebrated; Blitz criminality is rarely admitted. Yet they stand together as twin symptoms with a common cause.

**Joshua Levine** is an author and historian who has written several books on the Second World War, including *The Secret History of the Blitz* (Simon & Schuster, 2015)

## Five Blitz criminals

#### **1** Killing spree

In the summer of 1940, **John Fulljames**, a student at University College Oxford, opened fire with a rifle on fellow students. Tried for murder, Fulljames was described to the jury as having a "split-mind" in the fashion of Dr Jekyll. He was committed to Broadmoor where the authorities rejected the court's finding of insanity.

#### 2 Future gangster

Seventeen-year-old James Harvey was robbed and killed by a gang of youths in Elephant and Castle – a no-go area due to the blackout and the absence of police. The leader of the gang, 21-year-old **Jimmy Essex**, was initially charged with murder. But he was eventually sentenced to just three years in prison for manslaughter, leading to an outcry from furious local residents. Essex went on to become a notorious London gangster.

#### Shell shock

In September 1940, **Percy Clark** was charged with attempting to murder his wife Irene in their family air raid shelter. Claiming that the bombs had driven him mad, he admitted punching her repeatedly in the head in front of their children. While Irene was recovering, her hospital ward was struck by a bomb and she was killed. Percy received permission to be released from custody to attend her funeral.

#### **4** Cowardly convicts

Two brothers, **Brian and Patrick Williams**, were serving members of the armed forces, who walked into a police station to admit a burglary they had committed before the war. They believed that criminal convictions would secure their release from the army and navy respectively. Brian was successful: he was convicted, sent to borstal for three months and discharged. However, Patrick was merely bound over, and returned to the Royal Navy.

#### **5** Impersonating a pilot

Twenty nine-year-old **D'Arcy Wilson**, a barman from Thornton Heath, was sentenced to two months' hard labour for impersonating an RAF officer. Having deserted his wife and children, Wilson started wearing the officer's uniform "to impress women". He was apprehended after he gave a "sloppy salute" to a flight lieutenant. At the time, he was days away from bigamously marrying an 18-year-old girl who believed him to be a test pilot.





In 1955, a mother of two was hanged for murder, despite a huge public outcry, after shooting dead her abusive boyfriend.

**Lizzie Seal** explains how the execution of Ruth Ellis swung public opinion against the death penalty in Britain

#### **Wronged woman**

Ruth Ellis and her friend Desmond Cussen, who supplied the gun with which she shot David Blakely. "Ellis's perceived sexual immorality was a strong factor in the decision not to commute her sentence," writes Lizzie Seal



#### The hanging of Ruth Ellis

s 9am approached on 13 July 1955, crowds of people began to line the streets outside Holloway prison. Some stared solemnly at the prison walls. Others prayed. Most fell silent. Inside the prison gates, Ruth Ellis received communion and drank a glass of brandy. Then, as the clock ticked round to the appointed hour, she was led to the execution chamber.

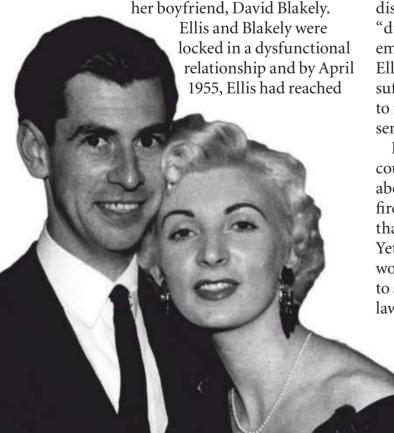
According to the *News Chronicle*, Ellis "looked on a crucifix for a few seconds before she died". She was, stated the *Daily Mirror*, "the calmest woman who ever went to the gallows". That equanimity wasn't shared by thousands of people in the country at large. On that grim July morning, Ellis became the last woman to be executed in Britain – and the furore surrounding her fate would resonate for years.

By the time Ellis died, her case had already become a cause célèbre. It dominated newspaper front pages, inspired hundreds of Britons to pen letters begging for clemency, and led to a dramatic 11th-hour appeal for a reprieve.

The Ellis case gave the nation a considerable emotional jolt – and that's because a huge number of Britons could personally identify with the 28-year-old wife and mother. Labour MP Sydney Silverman, a campaigner for the abolition of the death sentence, encapsulated this sentiment when he wrote in *The Star*: "She seems to most people a normal human – all too human – being, weak, foolish, hyper-sensitive."

Under great emotional distress, Ellis "found relief in one passionate, compulsive act of desperation", which, Silverman added, exemplified "essential human pathos".

The "compulsive act of desperation" to which Silverman referred was the murder of



# The prosecution didn't dispute that Blakely had treated Ellis "disgracefully". But this wasn't sufficient to reduce the verdict to manslaughter

breaking point. On Easter Sunday, distraught at Blakely's refusal to speak to her, she walked into the Magdala pub in Hampstead, where Blakely was drinking. She was accompanied by Desmond Cussen, a man with whom she had had a brief relationship – and who, fatefully, had given her a gun.

Ellis proceeded to use that gun to shoot Blakely twice as he left the pub, before standing over him and shooting him twice more as he lay on the ground. She asked for the police to be called and was arrested by an off-duty policeman who had also been drinking in the Magdala.

#### **Multiple bruises**

Police investigations into the killing soon established that Ellis and Blakely's relationship had been violent. A report in the Home Office file on the case explains that "Blakely sometimes struck Mrs Ellis" and that she had been to hospital after receiving "multiple bruises" from him. Ellis had a miscarriage shortly before the murder, which she believed was caused by Blakely punching her in the stomach. The prosecution did not dispute that Blakely had treated Ellis "disgracefully", or that this had left her emotionally disturbed. But, crucially, during Ellis's trial, neither of these facts was deemed sufficient to reduce the verdict from murder to manslaughter – and the mandatory sentence for murder was death.

Famously, in response to prosecution counsel Christmas Humphreys' question about what she intended to do when she fired at Blakely, Ellis replied: "It is obvious that when I shot him I intended to kill him". Yet even without such a bald admission, it would have been extremely difficult for Ellis to secure a verdict other than murder. The law did not recognise Ellis's experiences of

David Blakely physically abused Ellis and may have induced a miscarriage shortly before she shot him – abuse that wasn't considered in her defence

physical and emotional abuse as relevant to her defence – a stark example of how far the legal system failed to accommodate women's experiences of gendered inequality.

That Ellis would receive a guilty verdict was, then, seemingly inevitable. What turned this case into a cause célèbre was the fact that she went to the gallows.

Women were rarely executed in Britain: 90 per cent of those sentenced to death in the 20th century were reprieved. Blakely's mistreatment of Ellis and her emotional distress seemed to offer good grounds for commuting her sentence, and many people assumed that this would happen. When it didn't, thousands of Britons were appalled.

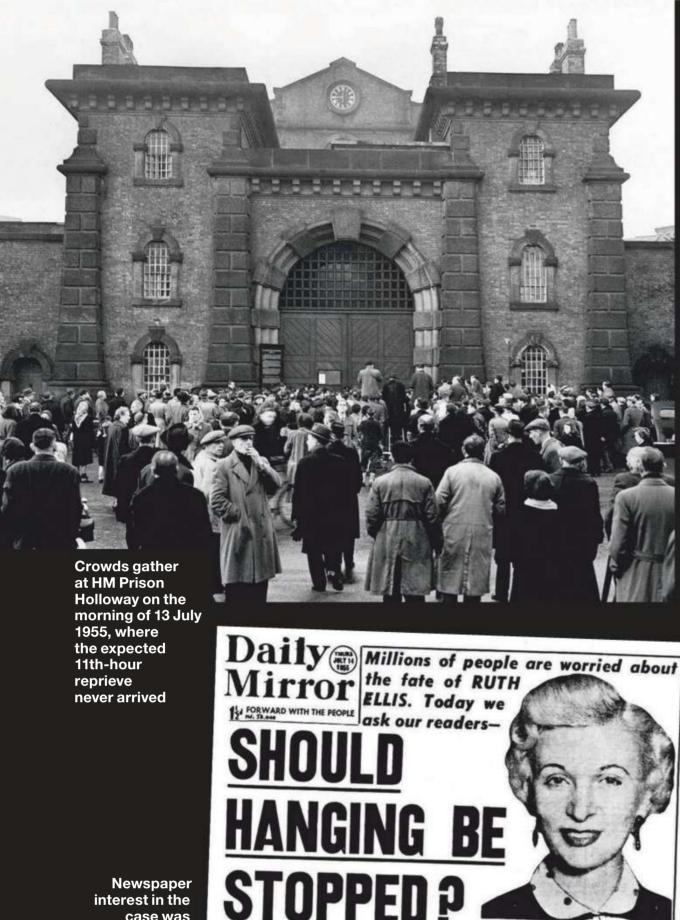
Among them would have been readers of the *Daily Herald* which rated her chance of reprieve as "good – much better than evens in cold betting terms". Such optimism was, no doubt, inspired by the case of Sarah Lloyd, who had murdered her 87-year-old neighbour by hitting her with a spade and pouring boiling water over her. Lloyd was sentenced to death but she did not hang. Her sentence was commuted on 7 July 1955, and there hadn't even been a petition to save her. The same leniency would not be extended to Ellis.

#### **Savage contradiction**

The Daily Herald reported how it was "a moment of tense emotion" when the governor of Holloway, Dr Charity Taylor, had to inform Ellis in her death cell that no reprieve had been granted. The Herald argued that Ellis would not have been executed in the United States or Germany, and lamented the "savage contradiction to all that is reasonable and gentle in the British character" that the retention of hanging entailed.

The press was not uniformly opposed to Ellis's execution, but even stories written in support of the home secretary's decision not to reprieve her highlighted problems with the death penalty. The *News Chronicle* agreed that Ellis could not receive "special leniency" simply because she was "a woman and an alcoholic". However, it recommended suspending capital punishment for an experimental period to gauge whether hanging needed to be retained.

So why did Ellis fail to earn a reprieve?
Research into the archival case files suggests that the premeditated nature of the murder and the fact that it was committed with a gun counted against her. Ellis's perceived sexual immorality was also a strong factor in the decision not to commute her sentence. She was not married to David Blakely and a "lenient view" could not be taken when "she was associating with, and receiving money from, another man" (a reference to



interest in the case was intense, with some launching petitions for clemency on Ellis's behalf

ALAMY/MIRRORPIX

**Petition papers** and flowers are delivered to the prison. People from across **Britain wrote** letters to the home secretary pleading for Ellis's reprieve

Please express your

opinion on the voting

form in the Back Page

RUTH ELLIS ... HER EXECUTION HAS SET THE WHOLE WORLD TALKING.



of conventional morality in relation to marriage and monogamy proved fatal for Ruth Ellis. But, as the press would soon make

Desmond Cussen). Failure to meet standards

abundantly clear, the justice system's unforgiving interpretation of Blakely's murder was hugely out of step with public opinion. No sooner had the sentence been announced than petitions were being gathered "all over Britain", according to the Daily Express. The Manchester Guardian explained that these contained "several thousand signatures" and that batches of letters calling for a reprieve were being delivered to the home secretary.

Many of these letters survive in the Home Office files on Ruth Ellis in the National Archives and are an invaluable source of information on the public sentiment about the case. There are more than 600 letters, postcards and telegrams from the public in the Home Office files. Ninety per cent of them call for a reprieve.

Ruth Ellis was the mother of two young children, which was a concern for many letter writers, one of whom highlighted the "lifetime of tragic memory and death" in store for the children if she hanged. Motherhood was an extremely important social identity for women in the 1950s and was the basis from which they could make claims about their citizenship. Several correspondents identified themselves as "a wife and mother myself".

This personal identification with Ellis was key to the empathy that her case provoked. For many, the circumstances of her crime resonated with contemporary cultural understandings of motherhood and romantic love. Blakely's murder was widely described as a 'crime of passion', and there was a perception that the emotional intensity of Ellis's love for her boyfriend should be understood as mitigation for her crime. Writing to the home secretary, many members of the public referred to their own unhappy relationships and disappointments in love, with one woman explaining that she "found herself in the same boat as Mrs Ellis".

#### **Public beatings**

Much of the public sympathy for Ellis was fuelled by the violence to which she was subjected at Blakely's hands. The Woman's Sunday Mirror ran a ghost-written, serialised life story of Ellis over four weeks. In the instalment published the Sunday before her execution, Ruth explained how she gave Blakely money for cigarettes, food and drink and how he would attack her when he was drunk. She detailed how "he would smack my face and punch me". On one occasion he

## TIMELINE: THE DEATH OF CAPITAL PUNISHMENT

**1868** The Capital Punishment (Amendment) Act ends public hanging.

1923 Edith Thompson
(left) and Freddy
Bywaters are
executed for the
murder of Edith's
husband (also
pictured) amid doubts
about her culpability
and rumours that her
hanging was botched.

**1930** A report from the Select Committee on Capital Punishment recommends an experimental five-year period of abolition, but this is not debated in parliament.

**1948** Capital punishment is suspended between February and November during debates on a Criminal Justice Bill. But a Criminal Justice Act passes without an abolition clause.

**1949** A Royal Commission on Capital Punishment examines whether eligibility for the death penalty should be limited or modified. It doesn't report until 1953.

1953 Derek Bentley is hanged in January amid public concerns about justice in his case. John Christie is executed in July that same year, raising doubts about the guilt of Timothy Evans, who was hanged in 1950.



The execution of 19-year-old Derek Bentley in 1953 caused a furore

**1957** The Homicide Act is passed, limiting capital punishment to certain types of murder, widening the provocation defence and introducing the diminished responsibility defence.

**1964** On 13 August, Peter Allen and Gwynne Evans are hanged – the last judicial execution to take place in Britain.

**1965** The Murder (Abolition of Death Penalty) Act ends capital punishment for murder, initially for five years, and is made permanent in 1969.

**1998** Capital punishment is abolished for treason and piracy with violence.



"lost all control. His fist struck me between the eyes and I fell to the floor. Savagely he beat me as I lay there".

Letters from the public argued that Blakely's brutality had not sufficiently been taken into account at her sentencing. One female correspondent stated: "Only a woman understands that has been in the same position like myself and millions of others beaten by our husbands".

As for Blakely, he was dubbed a "cad", "vampire" and "parasite". His behaviour was judged to have violated mid-20th-century ideals of romantic love which demanded that, as well as providing fulfilment, partners should be co-operative and companionate.

#### Hanging the wrong man

What made Ellis's execution more controversial still was that it occurred at a time when the very morality of putting people to death was increasingly being questioned – and when the justice system stood accused of overseeing two high-profile miscarriages of justice.

Nineteen-year-old Derek Bentley was hanged in 1953, despite concerns that he bore little responsibility for the murder of a police officer committed by his younger friend.

That same year, John Christie also went to the gallows, following the discovery of multiple bodies at 10 Rillington Place in Notting Hill. Christie was guilty. But what made his case so controversial was that, three years earlier, Timothy Evans, a resident of 10 Rillington Place, had been executed for the murder of his wife and baby. Throughout his trial, Evans maintained that John Christie was responsible. It seemed clear that an innocent man had hanged.

These cases propelled the issue of capital punishment firmly into the national

consciousness. This was no dry, technical subject debated behind closed doors by men in suits, but one that grabbed the public's imagination, impacting upon people on an emotional level. The death of Ruth Ellis supercharged that impact.

In the wake of Ellis's execution, the publisher Victor Gollancz and writer Arthur Koestler launched the National Campaign for the Abolition of Capital Punishment. This sought to both highlight injustice and engage public emotions. In their 1961 book, *Hanged by the Neck*, Koestler and Cecil Rolph contended that "emotions or inherent feelings can sometimes be a sure guide to what is right". In doing so, they countered the argument, advanced by Hugh Klare, secretary of penal reform and abolitionist group the Howard League, that "rational penal policy ought not to be affected by sentiment".

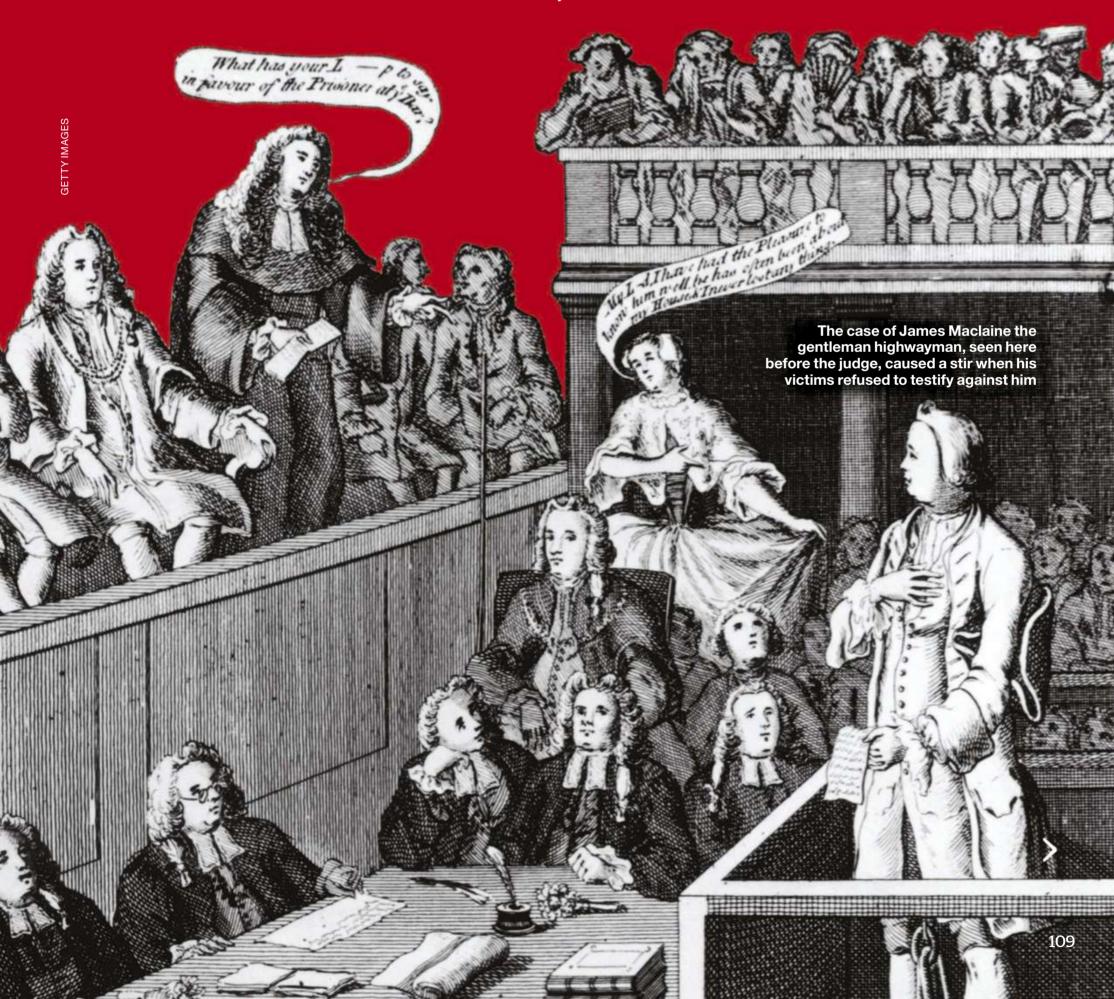
Within two years of Ellis's death, this heightened public sentiment was reflected in law. The Homicide Act 1957 limited the death penalty by restricting it to certain types of murder. It was a rather compromised piece of legislation but it set the tone for what was to follow in 1965, when Harold Wilson's Labour government passed the Murder (Abolition of Death Penalty) Act. The last hangings in Great Britain had taken place a year earlier.

Such changes are not brought about by one person's case. But, for all that, Ruth Ellis remains a highly significant figure – both in shining a light on the long road to abolition and reflecting capital punishment's impact on Britons' emotional lives in the 1950s.

Lizzie Seal is a reader in criminology at the University of Sussex. Her books include *Capital Punishment in 20th-Century Britain: Audience, Justice, Memory (Routledge, 2014)* 

# COURTIN THACT

With their harrowing accounts of cruelty, poverty, desperation and insanity, **Drew Gray** looks at 10 trials that gripped the nation and tell us about society's concerns at the time

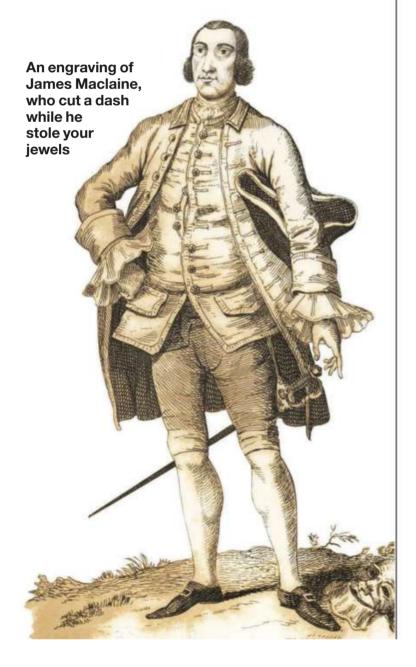


## O I'm a dandy highwayman

His female victims wept to see the robber sentenced

James Maclaine made a deep impression on those attending his trial at the Old Bailey in 1750. Tried for robbing the Salisbury stagecoach with his accomplice William Plunkett, Maclaine cut a dashing and romantic figure. Several of his victims, including Horace Walpole, refused to testify against him, admiring his panache and his reluctance to use the violence usually associated with highway robbery. Many of the aristocratic women present wept openly as the jury convicted him.

Yet Maclaine still hanged at Tyburn, the victim of a widespread 'moral panic' about violent crime that eventually prompted parliament to pass the Murder Act in 1752. This draconian legislation added public dissection (rather than burial) to the punishment of hanging for murderers. Maclaine's reputation outlived him however, and his story was woven with the myth of other rogues (such as Richard Turpin), creating the enduring, if largely inaccurate, image of the 'dandy' highwayman.

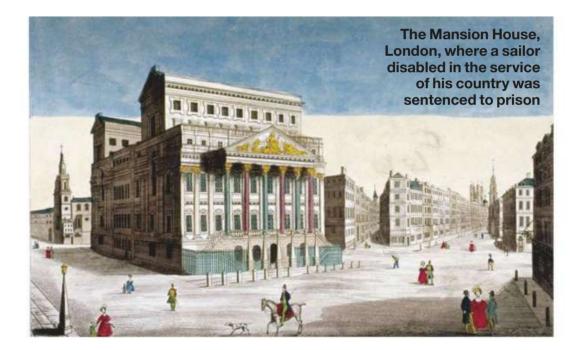


#### 2 Friends in low places

Court vs. courtesan - a wicked tale of corruption

What had started as a lad's night out at Christmas 1769 ended in the death of John Bigby, a watchman, beaten to death on Westminster Bridge by a group of drunken revellers. Matthew and Patrick Kennedy and three others were rounded up and tried at the Old Bailey in January 1770. The brothers were held responsible for Bigby's murder and sentenced to hang. That should have been that; 'justice' required a life for a life and the Murder Act made any chance of a reprieve all but impossible.

However, the brothers had powerful allies and within days both men had been reprieved and soon had their sentences commuted to transportation to America. They owed their rescue to their sister 'Poll', a courtesan kept by two leading politicians who used their influence to secure conditional pardons. This wasn't the end of the story however. John Bigby's widow was persuaded by some opposition radicals to bring a private prosecution against the Kennedy brothers to help expose corruption in high office. If it was successful there would be no recourse to a pardon and the young men would hang after all. But once again elite connections prevailed and the powerful friends of the Kennedys paid off the grieving widow, and the brothers sailed for America.



#### 3 Languishing in leg irons

He served his country, then he served time

John Martin was an old sailor who had served his country for 19 years during the wars with France and revolutionary America. Like many he had returned home sick, wounded and unable to work. He had already spent a short time in jail for stealing a pint pot from a tavern before he found himself in front of the Lord Mayor at the Mansion House justice room a year later.

Despite John being almost unable to stand following a stroke, the city's chief magistrate sent him to Bridewell prison. Within another year he was back and up before a judge at the Old Bailey. This time his thieving earned him a sentence of transportation. Since this was 1786 and a year before the first fleet sailed to Australia, there was nowhere to transport him to so he was thrown into jail. There he languished in leg irons being "treated unnecessarily cruelly" by his jailers until a concerned visitor raised his case in the newspapers.

Martin's story wasn't unusual; thousands of former servicemen struggled to survive when their capacity to serve ended and they became burdens on the parish.



An end to a cruel punishment

In 1790 parliament officially abolished burning at the stake as a form of execution. The punishment had been in decline for many years and its use was retained only for women by the middle of the 1700s. Curiously it was thought kinder to burn women alive than to expose them to the full force of a traitor's death by hanging, drawing and quartering them.

In 1788 Catherine Murphy became the last woman to be executed in this manner. She'd conspired with her husband and several other men to create and distribute counterfeit coins. This form of crime was deemed 'petty treason' as all coinage carried the image of the monarch. The male coiners were hanged but Catherine was tied to a stake outside Newgate Jail and faggots piled around her. The executioner was ordered to strangle her quickly before he set light to her, so at least she was afforded some 'mercy'. For hours afterwards shocked passers-by walked or rode past the burning embers of her funeral pyre and her death is credited with hastening the abolition of this dreadful punishment.

#### **6** Misogyny rules

When it was the victim who got the blame

In August 1829 John Noden was convicted at Shrewsbury Assizes of the rape of Elizabeth Cureton, a 24-year-old single woman in the village of Coalbrookdale in Shropshire. These occasions could often expose the misogyny and bias of the justice system, as the woman's reputation would be exposed to public scrutiny. Elizabeth would have had to describe the sexual assault she sustained in front of an all male audience, possibly having to endure smirks at the ribald nature of her 'confession'.

Noden was sentenced to death (as rapists were until 1842 when it ceased to be a capital offence), and this galvanised his neighbours in Coalbrookdale. Not, as we might have expected, to leap to judge him for violating a local woman, but to condemn her instead. The campaign that ensued trashed her reputation

and accused her of leading him on and making false accusations in an attempt to force him into marriage.

John Noden was conditionally pardoned and transported to Australia, returning to Coalbrookdale 20 years later. By then Elizabeth and her family had long gone, hounded out of the district because of the crime Noden had committed.

John Noden's neighbours did not leap to judge him for violating a local woman, but condemned her instead

#### **6** The criminal class

Victorians dished out hard justice for hard men

If the archetypal Georgian felon was a highwayman like 'gentleman' James Maclaine then his Victorian equivalent was the burglar. Men such as William Taylor epitomised contemporary views that a 'criminal class' existed in early Victorian England. When Taylor was arrested he was found to be in possession of no less than nine skeleton keys and other implements of the burglar's 'trade'. Not for nothing did Dickens make Bill Sikes the brutish villain of Oliver Twist while Fagin (a receiver) is much more sympathetically drawn. Burglars like Taylor were

seen as 'professional' hardened criminals and this justified a professional police force and a harsh penal system to deal with those they caught.

Taylor was transported to Van Diemen's Land when he was 26. In 1852, conditionally pardoned, he married. He died in Tasmania a free man in 1897 at the ripe old age of 82. For him transportation represented a new beginning, but not all convicts were so fortunate. Many endured years of forced exile, or 'hard labour', 'hard fare' and 'hard board' in an English prison at home.

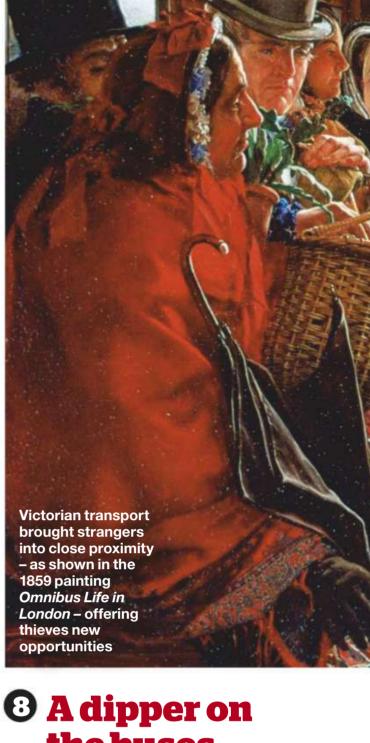
#### Mad or just bad?

A case that established a legal definition of insanity

In 1843 Daniel M'Naughten (pictured right) was cleared of murder at the Old Bailey on the grounds that he was insane. The verdict caused a public outcry and debates in parliament. M'Naughten had shot and killed Edward Drummond, Sir Robert Peel's personal secretary, but it was Peel (the incumbent prime minister) who was the target. John Bellingham remains the only man to have assassinated a British premier (Spencer Perceval in 1812) but M'Naughten came close.

The Queen's Bench court ruled that in future the insanity plea could only be upheld if an accused person could be proven to be unable to distinguish right from wrong at the time the crime was committed. The so-called 'M'Naughten Rules' remains the basis for determining whether a defendant is entitled to plead insanity today. In 1957 a defence of 'diminished responsibility' was introduced.

It was too late to save Ruth Ellis from being hanged but it was the reaction to her sentence that prompted this reform.



## the buses

The hazards of new forms of public transport

Jane Clark was a practised thief. She dressed respectably and rode the omnibuses and railways of Victorian London. One afternoon in early 1865 her luck ran out. She'd 'dipped' the purse of the woman sitting next to her and must have thought she'd got away with it. But the woman noticed that two sovereigns were missing and cried 'thief'. A lad found the coins and handed them in and the bus inspector gave the police Jane Clark's description as she fled. A few days later she was brought before the police court magistrate at Marlborough Street where she decided to plead guilty to the theft and avoid a jury trial (which would earn a longer prison spell). The magistrate sent her away for two months, which she accepted as an occupational hazard.

For millions of Londoners the levelling that allowed criminals such as Jane to pass as 'ordinary' and 'respectable' fellow travellers was one of the down sides of public transport. One never knew whom one was sitting next to, or what they were up to.



#### **10** Gang warfare

The court case that prompted a moral panic across the nation

It was all about 'Jack the Ripper' in 1888 but other murders took place that year. On 23 May two men were walking out near Madame Tussauds' waxworks when they were assaulted by a gang of youths. The gang identified them as members of the rival 'Fitzroy Place lads' and that was enough to earn them a beating. When they told their mates what had happened however it triggered a series of events that ended in tragedy.

On the following evening Joseph Rumbold was strolling with his girlfriend in Regent's Park. A group of lads approached and challenged him, then chased him to York Gate where George Galletly stabbed him in the neck. Joseph died on the way to hospital and 10 young men appeared at the Old Bailey charged with murder.

Galletly (aged 18) was convicted and sentenced to death, but escaped the rope on account of his age. The case prompted a moral panic in the press about gang violence, which predated a 'hooligan' scare of the late 1890s. Such violence was endemic if rarely fatal, but the 'Regent's Park Murder' made it front page news and focused attention on youth crime in a way we have become familiar with today.

**Dr Drew Gray** is the head of history, University of Northampton. He writes a daily blog on the Victorian Police Courts thepolicemagistrate.blog

#### 9 The demon drink

No winners in a case of domestic violence

The case of Martin Bagot from 1884 is a sadly typical one of everyday violence in Victorian working-class communities. Martin was brought before the magistrate at Clerkenwell Police Court for pouring boiling water over his wife Julia during an argument. He'd pawned the children's shoes to get money for drink, and she'd challenged him, as she'd done before. It wasn't the first occasion he'd used violence either.

Julia appeared in court with her head swathed in bandages to see what 'justice' the magistrate would hand down. The options were all bad: a fine was likely, but Martin probably wouldn't be able to pay would go to prison for a few week or months. This left Julia and her probably wouldn't be able to pay so would go to prison for a few weeks

family devoid of a breadwinner and facing the real prospect of entering the workhouse. When he got out she would have to deal with his anger at her taking him to court, something she had probably only resorted to in desperation after many years of abuse. Divorce was all but impossible, so her best bet was to take her children and move away, and hope that he didn't find her.

An engraving from 1847 shows the dangers of alcoholism. Frequent use of the bottle, its caption stated, led to "fearful quarrels and brutal violence"



#### Clive Bloom on... a taste for the macabre?

#### "We live in a world of mass media where explanation may no longer satisfy and where justice becomes revenge"

owadays we seem to be obsessed with the sociopathic actions of criminals, especially murderers. Crime novels have overtaken romances as our most popular bedtime reading.

It was not always so. In the 18th century some of history's most unpleasant characters were seen as heroes of the community, robbing and maining the rich as they travelled the highways. Jack Sheppard and Dick Turpin became latter-day Robin Hoods whose exploits were celebrated by the communities within which they sheltered, and whose scaffold confessions, were avariciously lapped up by the urban poor, eager for sensation. Such men defied unjust laws which only protected the upper classes: they were outlaws rather than criminals.

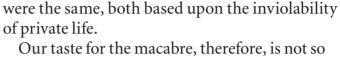
A change came in 1827 when Thomas De Quincey published a satirical article called 'On Murder Considered As One Of The Fine Arts' in *Blackwood's Magazine*. In it he suggested studying the "poetry" in the "great artists" of murder whose lives were dominated by "jealousy, ambition, vengeance and hatred".

De Quincey's proposal concentrated on criminal psychology; the murders themselves represented a hidden world determined by secret passions. The creation of an investigations department in the Metropolitan Police in 1842 created the plainclothes detective searching out such concealed evil. Such men became the heroes of the new detective novel, literature based upon the duel between wickedness and opportunity, and the eagle eyes of Scotland Yard.

Madeline Smith (acquitted), Florence Maybrick (convicted) and Florence Bravo (acquitted) who were all accused of using poison to kill, demonstrated that modern life itself would bring about an upheaval in the conduct of murder. A terrible crime could be concealed in an innocuous packet of pills or a length of arsenic-riddled fly paper. Why not buy a cheap train ticket to dispatch your target, as was the case with the first railway victim Thomas Briggs, killed for his watch in a closed compartment? Why not drown your loved ones using the luxury of a new bath, as did the 'Brides in the Bath' murderer George Smith?

The Victorians and Edwardians took their cue from domesticity itself. A very British obsession with what was happening behind the curtains was joined with a fascination for the conse-

> A poison bottle from c1900 containing arsenic-trioxide tablets



quences of family secrets. Fear and enjoyment

much an innate quality of human iniquity as one determined by changing social circumstances. The idea of lawlessness as communal rebellion has now changed to one of psychotic tendencies that lie inside disturbed individuals, apparently invisible to all but those trained to understand the criminally minded.

We need a detective whose procedures and forensic insights reveal evidence of the inner workings of the perversely gifted individual. In detective fiction from Conan Doyle to Christie, this formula does more than just catch criminals. It is a way of putting our most disturbing fears to rest by creating the safety of a puzzle which finally reaffirms the status quo.

There has however always been another face to criminality. Robert Louis Stevenson's The Strange Case of Dr Jekyll and Mr Hyde in 1886 analysed the schizoid nature of criminal existence hidden deep within respectability. Jack the Ripper is the epitome of the perversely split personality, a central bogeyman figure in tales of social and psychological perversity. The Ripper was never caught. He was the first media monster written about obsessively in newspapers aimed at a recently created literate public. He is the ancestor of every modern serial killer.

A morbid fascination with psychotic minds also suffuses our obsession with modern British murderers. From Ian Brady and Myra Hindley to Peter Sutcliffe, Fred West and Harold Shipman, the crazed mind of those who hide terrible secrets suggest they live their daily lives as ordinarily as the rest of us. They may even be our neighbours: unruly teenagers, lorry drivers, casual workers or the local doctor.

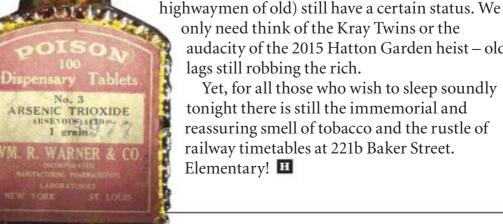
We live in a world of mass media, where explanation may no longer lead to a satisfying denouement and where justice becomes revenge. Ironically, in a world where justice is sometimes seen as partial, the gangster and jewel thief (both descendants of the

> only need think of the Kray Twins or the audacity of the 2015 Hatton Garden heist – old lags still robbing the rich.

Yet, for all those who wish to sleep soundly tonight there is still the immemorial and reassuring smell of tobacco and the rustle of railway timetables at 221b Baker Street. Elementary!



Clive Bloom is the author of Victoria's Madmen: Revolution and Alienation and the editor of the Palgrave *Crime* Files series



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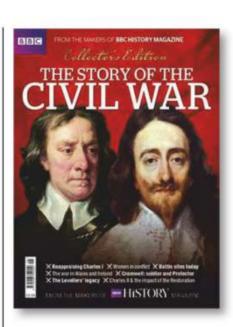
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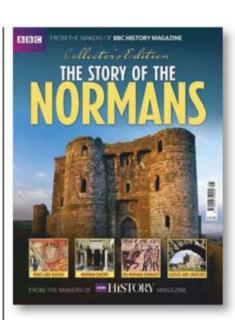
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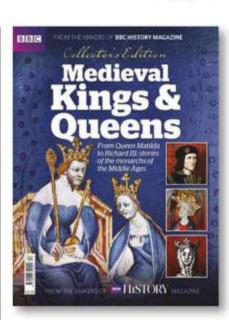
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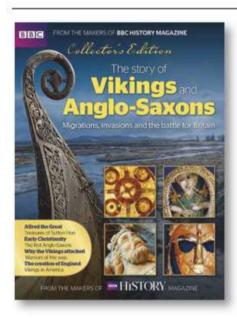
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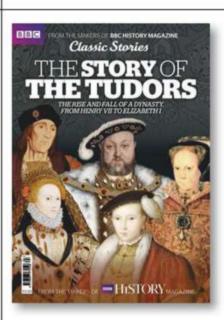
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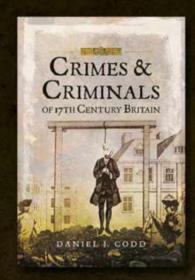
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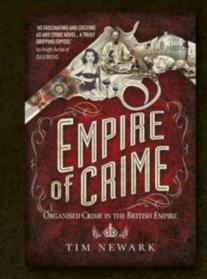
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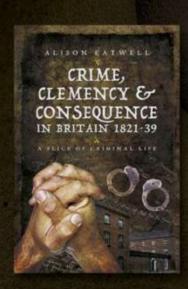
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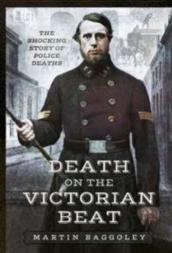
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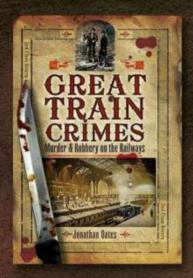
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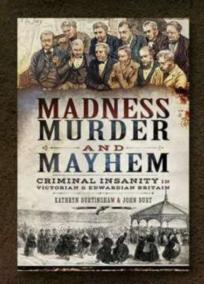
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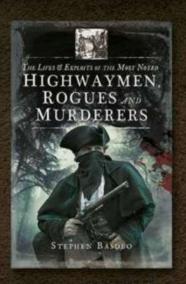
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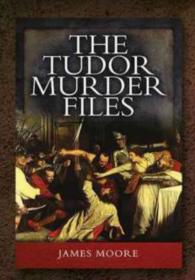
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